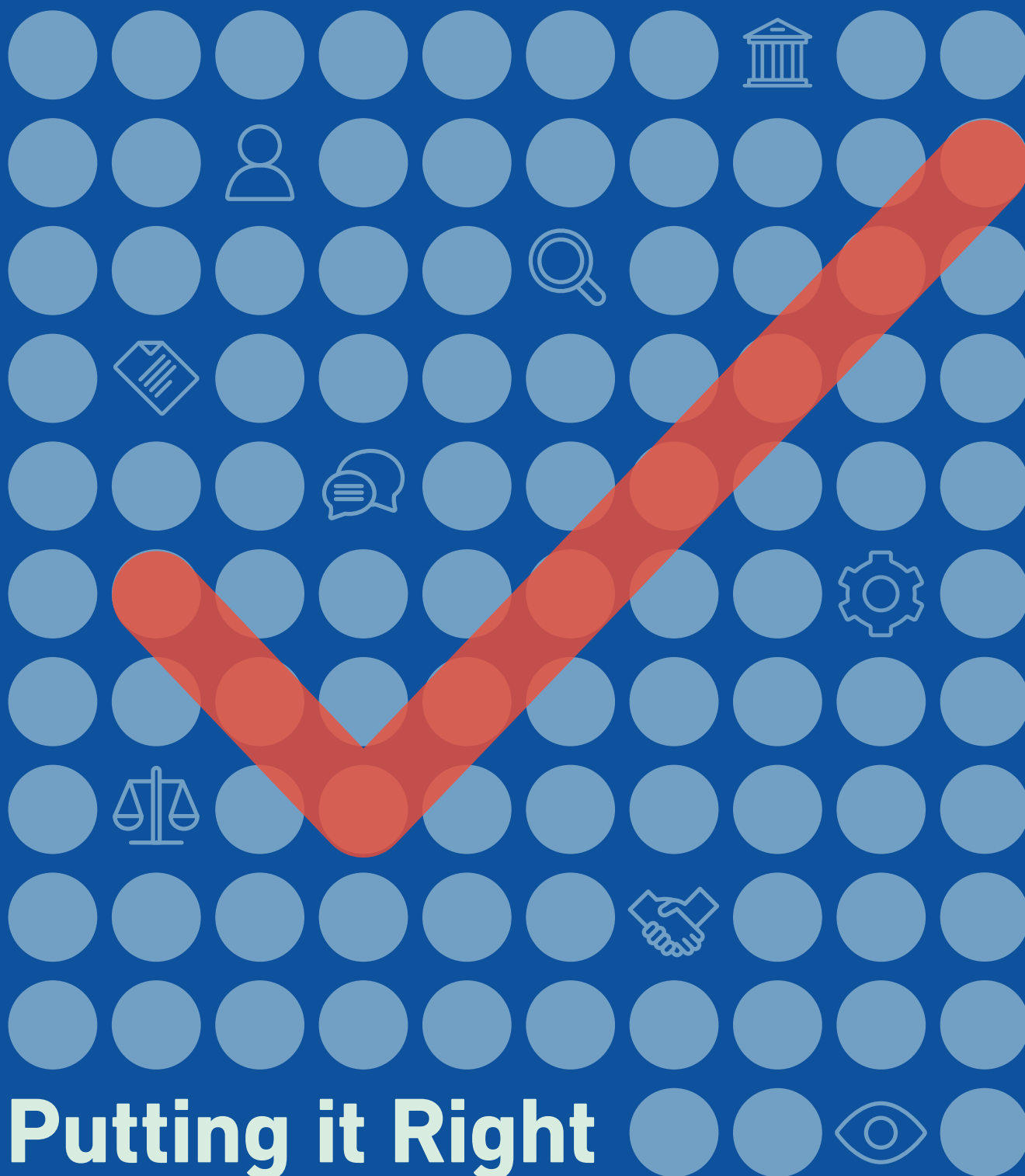


Annual Report **2016**

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Oifig an Ombudsman
Office of the Ombudsman



Putting it Right

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Report Number 33

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Oifig an Ombudsman
Office of the Ombudsman

Annual Report 2016

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Report to the Oireachtas

I hereby submit the Annual Report of the Office of the Ombudsman to the Dáil and Seanad pursuant to the provisions of Section 6(7) of the Ombudsman Act 1980 (as amended). This is the 33rd Annual Report submitted in relation to the work of the Office of the Ombudsman since it was established in 1984.

A handwritten signature in black ink, which appears to read 'Peter Tyndall'. The signature is stylized and cursive.

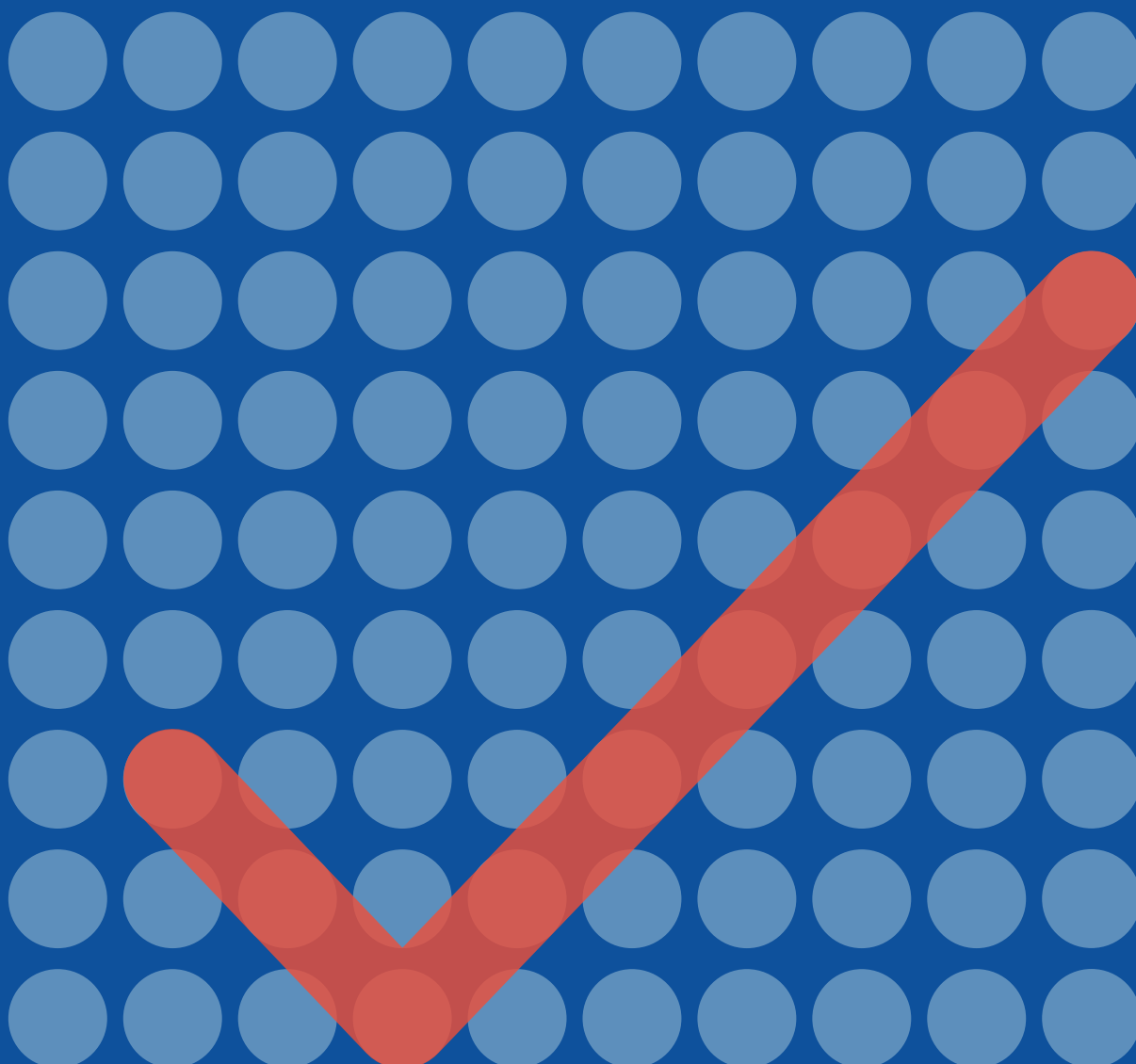
Peter Tyndall
Ombudsman

June 2017



Ms Jacqui McCrum
Director General

October 2015 to present



01

Introduction from the
Ombudsman - Putting it Right

Chapter 1: Introduction from the Ombudsman - Putting it Right

1.1 Introduction

Putting it right is at the heart of the work of my Office. In the first instance, this is about individuals who have complained about public services and not had a response they are happy with. We will look at their complaint and if we find that things have gone wrong, we will aim to put them back in the position they would have been in had the failings not occurred. If we find that there has not been a failure on the part of the public service provider, we aim to offer a better explanation of the events leading to their dissatisfaction.

When we look at complaints that reveal failings, we also try to establish why things have gone wrong. If it is a one-off failure, then other than providing redress for the individual, there may be nothing more to be done. However, quite often, it is evident that what happened to one individual could easily happen to others. This might be because of failings by an individual, who did not have the necessary training or support, in which case we will ask the body to take steps to address these shortcomings, in other instances, there may be flaws in processes or procedures which need to be changed, and we will work with the body to ensure that these changes happen. Finally, on some occasions it will be obvious that the legislation governing a particular activity is inadvertently causing injustice, and we will draw this to the attention of the relevant Government Department to ask for changes to be made.

The work of my Office in putting things right is a key feature of this Annual Report. We refer to our work with a number of providers of public services where multiple complaints led us to extend our consideration and where significant improvements were made to stop unfair outcomes in the future.

These cases also highlight another aspect of our work. This is to seek to resolve matters rather than to instigate formal investigations. If we can secure results for our complainants, as well as other people who may have suffered similar injustices, through working with public service providers to redress individual wrongs and to stop them from happening in the future, then this is a highly effective means of improving public services for all.

My Office enjoys excellent co-operation from the vast majority of public service providers and I would like to thank them for working with us to improve their services. One consequence of this way of working is that wider learning opportunities might be lost. To avoid this, my Office continues to produce quarterly 'Ombudsman Casebooks' and uses this report to highlight important cases. The work of improving public services is also at the heart of our new three year strategic plan.

I am keen to see more people complaining to my Office in the future. To this end, we have engaged in extensive outreach work during the year with regular complaints clinics in Cork, Galway and Limerick as well as a range of one off events. We have recently begun visiting Direct Provision Centres as we are now dealing with complaints from their residents. This is a long awaited development and I am pleased that it has now commenced. We are also coming towards the end of a programme of ICT development which will make it easier than ever for people to complain on-line. This also ties in to work we are doing to make our services more efficient while offering excellent services to our complainants.

I want to acknowledge the support of my Senior Investigators, Tom Morgan and Sean Garvey during 2016. I want to thank them and all the staff of the Office of the Ombudsman for their tremendous efforts in dealing with the demands for our services.

My thanks also to Orla Cafferky, Liam Lyster, Dave Nutley, Paul Howe and Peter Mahony for their assistance in compiling, editing and publishing this Report.

As I mentioned, the Office is continuing to develop and grow. Consequently, I am grateful for the support of the Information Communications Technology and Corporate Services teams who provide essential shared services for the continuing developmental requirements of the Office.

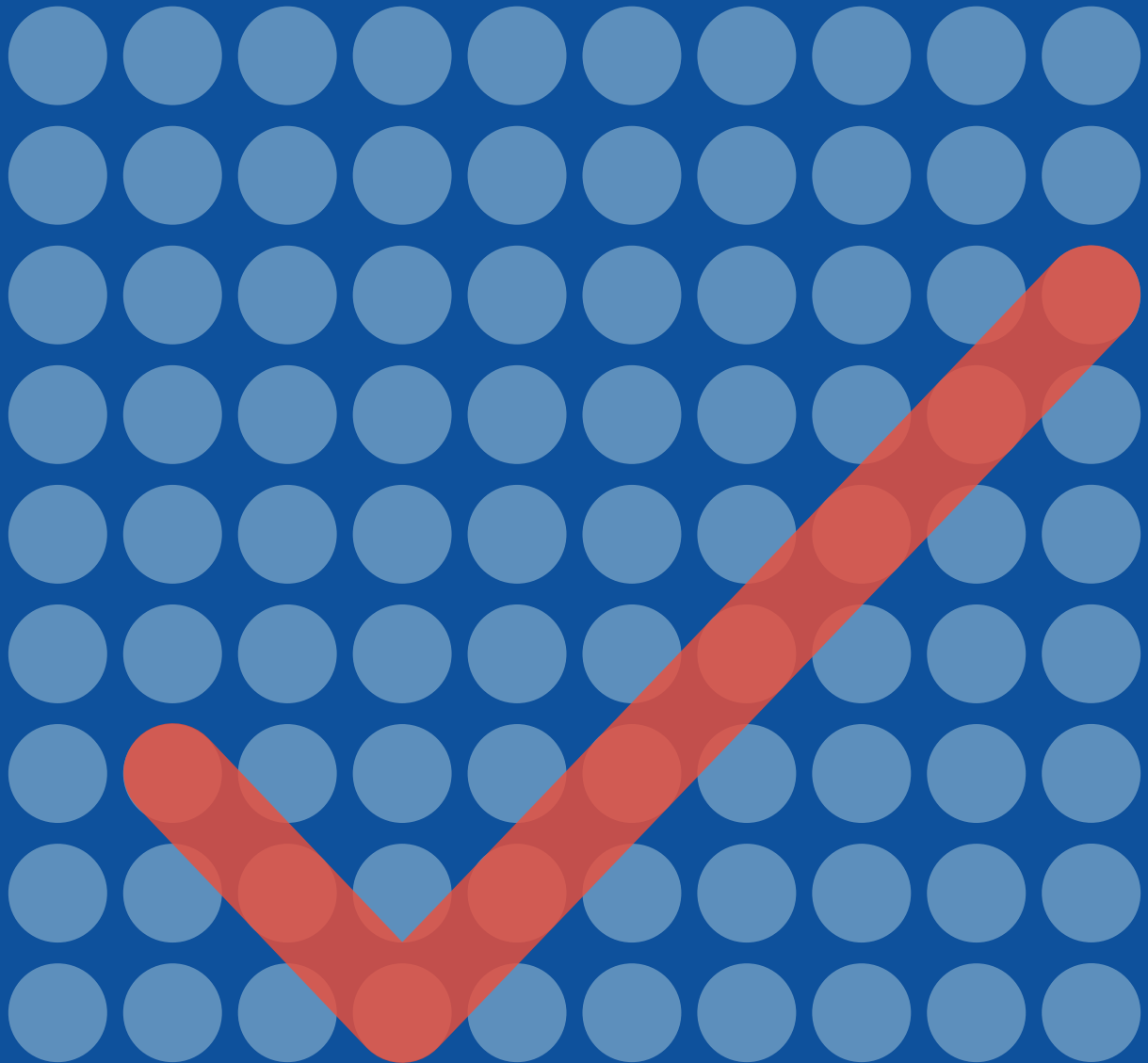
Finally, I want to thank the Director General of the Office, Jacqui McCrum, for her commitment and support throughout the year. The Office has unquestionably benefitted from Jacqui's extensive experience and energy during the first full year in her role.



Peter Tyndall
Ombudsman

June 2017





02

Putting it Right through
Complaints and Investigations

Chapter 2: Putting it Right through Complaints and Investigations

2.1 Role of the Ombudsman

As Ombudsman my main role is to examine complaints from people who feel they have been unfairly treated by certain public service providers, including:

- government departments
- local authorities
- the Health Service Executive (HSE)
- public hospitals
- publicly funded third-level education institutions
- nursing homes.

The services of my Office are free to use. We examine complaints in a fair, independent and impartial way. Before bringing a complaint to my Office the person who has been adversely affected must usually have tried to resolve the complaint with the service provider complained about.

When considering complaints we will consider if the action complained about, for example a decision or failure to act, was made:

- without proper authority
- on irrelevant grounds
- in a negligent or careless manner
- based on wrong or incomplete information
- in a way that improperly discriminated against the individual
- based on bad administrative practice or
- in a way that did not demonstrate fair or sound administration.

In practice, many complaints are resolved informally after my Office has brought the complaint to the attention of the public service provider concerned.

If I uphold a complaint I will recommend appropriate redress. I may also make recommendations which aim to reduce the likelihood of others being similarly affected in the future.

As Ombudsman I can also examine complaints under the Disability Act 2005. These complaints relate to access to information and services by people with disabilities. I report on complaints under the Disability Act later in this Chapter.

I am appointed by the President and report to the Oireachtas only.

2.2 Complaints Received and Completed: Analysis

In 2016, the total number of complaints received by my Office about public service providers within my jurisdiction was 3,067. 79% of these cases were closed within 3 months and 96% were closed within 12 months.

My Office continually strives to improve our service and procedures. In particular we are doing more of our work with both complainants and service providers within our remit by telephone which speeds up our communication and we also have appointed sectoral experts in areas such as health to assist with early intervention to either resolve cases or to allocate them more quickly and appropriately.

Of the 1,676 cases within my jurisdiction that were substantively examined, 23% of cases were fully upheld, 4% were partially upheld, 19% assistance was provided and 54% were not upheld. Overall, in 46% of cases members of the public directly benefitted from contacting the Office but even where complaints are not upheld, we are often able to provide an explanation or reassurance.

An additional 1,434 complaints were either discontinued, withdrawn or outside remit. Usually in these cases the complainant has not yet completed steps to resolve their complaint with the public service provider and we redirect them back to the local service, inviting them to come back to us if the case is not resolved. In cases that are outside remit we try to provide contact details for the appropriate body who can consider their complaint.

The Government Departments/Offices sector is the largest source of complaints (at 36.3% compared to 38.4% in 2015), followed by Local Authorities (26.7% compared to 27.6% in 2015) and the Health and Social Care Sector (19.7% compared to 17% in 2015). (This is broadly consistent with the volume of interactions that these bodies have with service users).

Of the 1,114 complaints made against the Government Department/Offices, 679 were against the Department of Social Protection, 129 against the Department of Agriculture, Food and the Marine, 94 against the Revenue Commissioners, and 67 against the Department of Justice and Equality.

84 of the 819 Local Authority complaints were against Cork City Council, 82 were against Dublin City Council, 56 were against Limerick City and County Council, 50 against Kerry County Council, and 49 against Cork County Council. This is the first time Cork City Council has been higher than Dublin City Council. We will be working with Cork City Council to establish the reasons for this high number of complaints and explore with it how they can be reduced.

232 of the 604 complaints against the Health and Social Care Sector were against hospitals. 72 related to Primary and Community Care, 68 involved medical or GP cards and 54 were received against Tusla.

A total of 83 complaints were received against Regulatory Bodies, 247 against education bodies such as universities and institutes of technology (including 87 against Student Universal Support Ireland [SUSI]) and 57 against the State Examinations Commission [SEC], and 165 against other public service providers that first came within my jurisdiction in May 2013. My Office completed 25 of 30 complaints received against private nursing homes during 2016, which was the first full year they were subject to examination. Of the 25 completed, 4 were outside my remit to examine, 8 were premature, 7 were withdrawn, 2 were not upheld, 2 were upheld and 2 partially upheld or assistance provided.

Complaints Received in 2016 by Sector

Government Departments/Offices	1114	36.3%
Local Authorities	819	26.7%
Health and Social Care Sector	604	19.7%
Education Sector	247	8.1%
Regulatory Bodies	83	2.7%
Private Nursing Homes	30	1.0%
Disability Act 2005	5	0.2%
Other	165	5.4%
Total	3067	100.0%



"We are deeply touched and impressed with your kind, respectable and independent treatment of the matter. For that we say a big thanks to you and your office."

-A Complainant

2.3 Putting it Right through Complaints under the Disability Act

The Disability Act 2005 imposes significant obligations on Government Departments and other public service providers to work proactively towards the improvement of the quality of life of people with disabilities. A complaint can be made to the Ombudsman regarding a public service provider's failure to comply with Part 3 of the Disability Act. Specifically, the Ombudsman may investigate complaints about access by people with disabilities to public buildings, services and information.

As I have reported in previous years, the low number of complaints about Part 3 of the Disability Act is disappointing (5 received in 2016). It is vitally important that people with disabilities are informed as to their rights on access to services and information and that they are aware of their right of recourse to me as Ombudsman to examine their unresolved complaints. It is also crucial that both professional and non-professional people involved in the disability sector are knowledgeable about the Disability Act 2005.

It is important to note, however that many complaints about services for disabled people come to my Office in the usual way, for example, complaints about the Housing Adaptation Grant for People with a Disability or the DARE scheme.

Disability Act – Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Complaints Handling (S.38 to S.39)	3	1	0	2	0	0	1	0	4
Access to Services (S.26)	2	0	0	0	0	1	1	0	2
Total	5	1	0	2	0	1	2	0	6

2.4 Section 7 Notices - Failures to Cooperate with the Ombudsman

Section 7 of the Ombudsman Act 1980 (as amended) confers very significant powers on the Ombudsman in terms of acquiring documents and information necessary for the examination or investigation of complaints. Under the Act, there is a legal obligation placed on “any person who, in the opinion of the Ombudsman, is in possession of information, or has a document or thing in his power or control, that is relevant to the examination or investigation” to provide that material to the Ombudsman.

In almost every case the information I need is provided to my Office without the necessity to issue a section 7 notice. My Annual Report is used to publish the number of occasions where I have issued a section 7 notice.

During 2016 my Office was required to issue two section 7 notices:

- One notice related to information I sought from the Property Services Appeals Board which the Board has refused to provide to me. Regretfully, I have had to issue proceedings in the Circuit Court seeking direction that the Board complies with my request.
- The other one related to a complaint concerning St. Margaret’s Centre Sisters of Charity, a voluntary nursing home. This complaint was subsequently brought to a satisfactory conclusion.

2.5 Putting it Right by dealing with systemic problems

Much of my Office’s work involves examining individual complaints about public services and, where we find fault, putting it right for that individual. However, where an individual complaint raises broader systemic issues I will work with the service provider to resolve the issue and so benefit many future users of the service. I have outlined some of this work during 2016 below.

State Examinations Commission: Complaints about assistance refused at Leaving Certificate examinations

To ensure students with disabilities are not disadvantaged in the competitive process the State Examinations Commission (SEC) administers a scheme to provide reasonable accommodations at certified examinations, which is called the RACE scheme. Eligible students may qualify for accommodations such as – a scribe to write out answers; a reader to read exam papers aloud; a separate examination centre where students can take breaks without interfering with other students.

The majority of complaints I receive relate to students with specific learning difficulties (SLDs). Many complained they were not informed of the reasons for the refusals, while others complained that the result of their appeal was not made known until the month before the exams commenced, sometimes even the week before. What particularly upset students was that most of them had been provided with accommodations when sitting their Junior Certificate exams and they had an expectation that they would be provided with the same for the Leaving Certificate.

In 2016, I received a total of 52 complaints about the RACE scheme. The majority were received in May, leaving very little time for students to prepare themselves for the eventuality that they were either going to be provided with or denied the accommodations they sought. Complainants, who are almost always parents, highlighted that this was a cause of enormous stress for students in the month before their Leaving Certificate examinations. Given the time sensitive nature of these complaints I put in place a fast-track complaints examination process with the cooperation of the SEC. The majority of complaints were concluded within a few days. 21 were upheld.

Over the past two years I have been in regular discussion with the SEC, identifying systemic issues of concern arising from case examinations.

The SEC has responded positively by:

- i. taking steps to simplify and speed up the process for assessing RACE applications
- ii. introducing a system to ensure students fully understand the reason their application was declined, and
- iii. agreeing to allow students, who are awarded RACE accommodations for their Junior Certificate examinations, to keep those accommodations for their Leaving Certificate examinations.

As a consequence I expect to see fewer complaints in the future.

Procedural Improvements to the DARE and HEAR education schemes

Long-term economic disadvantage and disability can have a negative impact on how well a student performs at school and whether they can progress to third level education. The DARE and HEAR schemes are initiatives set up by a number of colleges and universities and are designed to offer a small number of students an opportunity to access third level education on reduced CAO points. The DARE and HEAR schemes are administered by the Irish Universities Association (IUA) on behalf of the 15 participating universities and colleges nationwide.

In 2016, I received 21 complaints from students who applied for the DARE or HEAR schemes. My Office has a very good relationship with the DARE/ HEAR administration which has enabled me to resolve the complaints I receive. I highlighted some systemic weaknesses in the application process to the administrators which were acknowledged and I am pleased to say they resulted in improvements to the scheme. These include:

- Some students had complained to me that the online form was difficult to complete and, as a result, they had been disqualified from the schemes. I raised these issues with the IUA and I am pleased to say that the online form has been amended to reduce the possibility of errors being made.
- Detailed reasons are now being given to candidates whose applications were refused.
- Where an error in the original application led to an unfair refusal candidates are now given an opportunity to correct certain application details at appeal stage.

Student Universal Support Ireland (SUSI): Refusal of Funding and Claims for Repayment of Funding

In 2016 I received 87 complaints from students in relation to grant applications to SUSI for further and higher education courses. Most of the complaints concerned a refusal of funding while, in a small number of cases, SUSI had sought repayment of grants after SUSI realised it had incorrectly granted funding.

In the 'overpayment' cases the students had completed their applications correctly and fully disclosed their circumstances to SUSI. From my examination of the cases it was clear that the overpayments had arisen as a result of errors made by SUSI. In some cases repayment of grants was sought 2-3 years after the funding had been given, or after the funding had been used by students to pay accommodation expenses and fees to colleges. I considered it unfair to now expect the students to find or borrow the money required to repay the funding. I met with SUSI and the Department of Education and Skills to discuss these cases. As a result, I am pleased to say that the Department and SUSI decided not to pursue repayment of the funding.

Our examination of a number of other complaints highlighted anomalies in the conditions required to be eligible for funding under the SUSI scheme.

- For example, the 'special rate of maintenance grant' payable by SUSI is means tested. Applicants or their parents must be receiving certain payments (mainly social welfare payments) as part of their means, in means test calculations. These payments are listed in the Student Grant Scheme. A social welfare payment involving a 'dependant adult' was considered an eligible payment in circumstances where both the recipient and dependent adult were the biological parents of the student. However it was not an eligible payment if the biological parent had a new partner/spouse and the new partner was the one in receipt of the social welfare payment. We highlighted this anomaly and the adult dependant payment is now included as an 'eligible payment' in these cases.

- Similarly the Student Grant Scheme has been amended so that recipients of Family Income Supplement are considered to be holders of an eligible payment whether they are the principal earner in the household or the dependant adult.
- Students who do not have Irish Citizenship but were born to non-EU citizens who acquired Irish Citizenship, have now been added as eligible students.
- 'Second chance students' who attended a post-leaving certificate foundation (NFQ level 5) course were not eligible for SUSI funding in the first year of their NFQ level 5 course, as they were not considered to be 'progressing in education'. Such students are now considered to be eligible students provided they meet all other qualifying conditions.

I would like to acknowledge the cooperation of SUSI and the Department in addressing these issues.

Complaints about the Department of Social Protection seeking repayment of welfare payments

During 2015 and 2016, I noticed an increase in the number of complaints to my Office from people who had been, or who were currently, in receipt of social welfare payments and who had received notice from the Department of Social Protection that they had been overpaid. The Department was demanding repayment from them. The periods during which the overpayments accrued ranged from relatively recently to over 20 years ago. The amounts also ranged from €1,000 to over €100,000.

An examination of these complaints raised significant concerns so I decided to initiate a systemic examination of the Department's processes in raising and collecting overpayment debts from claimants.

My Office examined local overpayment files held in two Dublin Intreo Offices. In October 2016, I sent a report of our findings to the Department for its consideration and response.

During 2016, my Office examined other individual complaints received from overpaid social welfare claimants. A total of 55 overpayment complaints have been examined. 25 have been finalised and closed. Of those closed, I upheld 15 (60%) and the overpayments were written-off by the Department.

The Department of Social Protection has strong powers of recovery in the case of overpayments made to social welfare claimants. In my discussions with the Department, among other things, I placed an emphasis on:

- 'Poverty proofing' – to ensure that the rate of overpayment recovery does not cause undue hardship for claimants
- Minimum standard of documentation – all documentation pertinent to the identification and raising of an overpayment debt must be maintained
- Right of appeal – claimants should have the right to challenge every aspect of the debt recovery process through the appeals framework.

My systemic examination of social welfare processes for recovering overpayments is continuing in 2017. I am grateful to the Department for its cooperation.

Confusion over the Cross Border Healthcare scheme

In 2016 I received a small number of complaints about the Cross Border Healthcare scheme. The scheme gives people resident in Ireland the option of having public health treatment in another EU country. People in Ireland often avail of the scheme due to long waiting-lists for some publicly funded treatments here. The scheme is administered by the HSE which reimburses the cost of the treatment. Reimbursement is made in line with published rates available from the HSE's National Contact Point. The cost of treatment is paid in advance by the patient.

The complaints I received were from people who were confused about how the scheme operated or who had difficulties when trying to reclaim the money they spent on their treatment. Very often they were from vulnerable people who were seriously ill and who had to travel outside the country to receive much needed medical treatment.

The Cross Border Healthcare scheme is different to another scheme which is in existence, the Treatment Abroad Scheme. In general, the Treatment Abroad Scheme covers treatments that are not available in Ireland. The Cross Border Healthcare scheme covers treatments that are publicly funded and available in Ireland. (In 2016, I commenced an investigation into the Treatment Abroad Scheme. See later in the Chapter for further information).

In December 2016 I highlighted the issues involved in these complaints. I also worked with the HSE to resolve these complaints and to amend some of the HSE's procedures to make it easier for people to understand the scheme. I have summarised three of these complaints in Chapter 3 which contains a number summaries of cases my Office dealt with in 2016.

2.6 Putting it Right through Investigations

Almost all the complaints my Office deals with are resolved quickly and informally. I would like to thank the vast majority of public service providers who co-operate with my Office when we receive complaints. In a very small number of cases it is necessary for me to go to a formal investigation stage which can result in my Office making findings and recommendations to the service provider.

During 2016 I commenced a number of investigations which will be concluded during 2017. I publish the results of all my investigations on my website.

Investigation into complaint handling and issues identified in complaints about the Child and Family Agency (TUSLA)

In June 2016 I commenced a systemic investigation into the way complaints are handled within the Child and Family Agency (TUSLA). The investigation examined whether appropriate policies and procedures are in place and whether these are being properly followed, having regard to TUSLA's obligation to adhere to fair procedure and natural justice. The investigation involved a review and analysis of key cases which have already been examined by my Office. In addition I examined a random sample of TUSLA complaint files nationally in an effort to assess the adequacy of local complaint handling in cases which had not come to the Ombudsman.

As part of the investigation process my Office also hosted a half day seminar for TUSLA social workers and complaint handlers from around the country on 6 December 2016. Approximately 30 people attended. At the seminar, presentations were made on the work of the Ombudsman and the purpose of the investigation. Feedback was also received from attendees on their day to day work and an anonymous survey questionnaire was completed by the attendees. The output from the seminar will also be covered in the investigation report. The results of the investigation are due to be published early in 2017 and will be available on my Office's website.

Investigation into the administration of the Magdalen Laundries Restorative Justice Ex Gratia Scheme

The Magdalen Laundries Restorative Justice Ex Gratia Scheme is administered by the Department of Justice and Equality. The Scheme, which was approved by Government, relates to twelve specific institutions. It is not open to my Office to seek to add any institutions to those approved by the Government.

Applicants who were refused redress under the Scheme had the right to complain to my Office. In most cases which came before my Office the original decision was considered to be correct. In a small number of cases the Department agreed to admit applicants to the Scheme who were originally refused. This followed an analysis of those cases by my Office and a request for a review of the original decision.

In a small number of other cases a request for a review was not acceded to. I decided to initiate an investigation into the administration of the Scheme. This was notified to the Department in December 2016. The investigation report will be published in the second half of 2017.



*"Thank you for all your help and support and result during our complaint against the DSP.
Thank you again"*

-A Complainant

Investigation into the Treatment Abroad Scheme (TAS)

The HSE administers an EU scheme, the Treatment Abroad Scheme, which provides for patients to receive medical treatment in another EU / EEA state, when it is either not available in Ireland, or not available within a reasonable timeframe. A referral for treatment abroad must be made by a patient's Irish based treating consultant and submitted with an application for approval by the TAS scheme administration section of the HSE. The referring consultant must specify the treatment a patient is to receive and certify that the treatment will work. The scheme allows for the referral of public patients to access treatment in the public healthcare system of another EU / EEA member state.

Having examined a number of complaints from patients whose applications for approval under the TAS scheme were refused I became concerned that some patients had been adversely affected because of the administrative process. I decided to initiate a formal investigation into the Treatment Abroad Scheme. The investigation commenced in 2016. A number of patients and a patient representative organisation have been consulted. Key management in the HSE and the Department of Health have been interviewed. A number of medical consultants have also been interviewed. I intend to complete the investigation and publish my findings in 2017.

Mobility Allowance and Motorised Transport Grant Schemes: Update

In 2013 the Department of Health decided to discontinue the Mobility Allowance (MA) and Motorised Transport Grant (MTG) schemes to new applicants following the conclusion of my predecessor's investigation and subsequent Special Reports by my Office which found the schemes to be in breach of Equal Status legislation. In February 2013 it was announced that a new unified statutory replacement scheme would be put in place. I have previously expressed my concern at the long delay in finalising this new legislation.

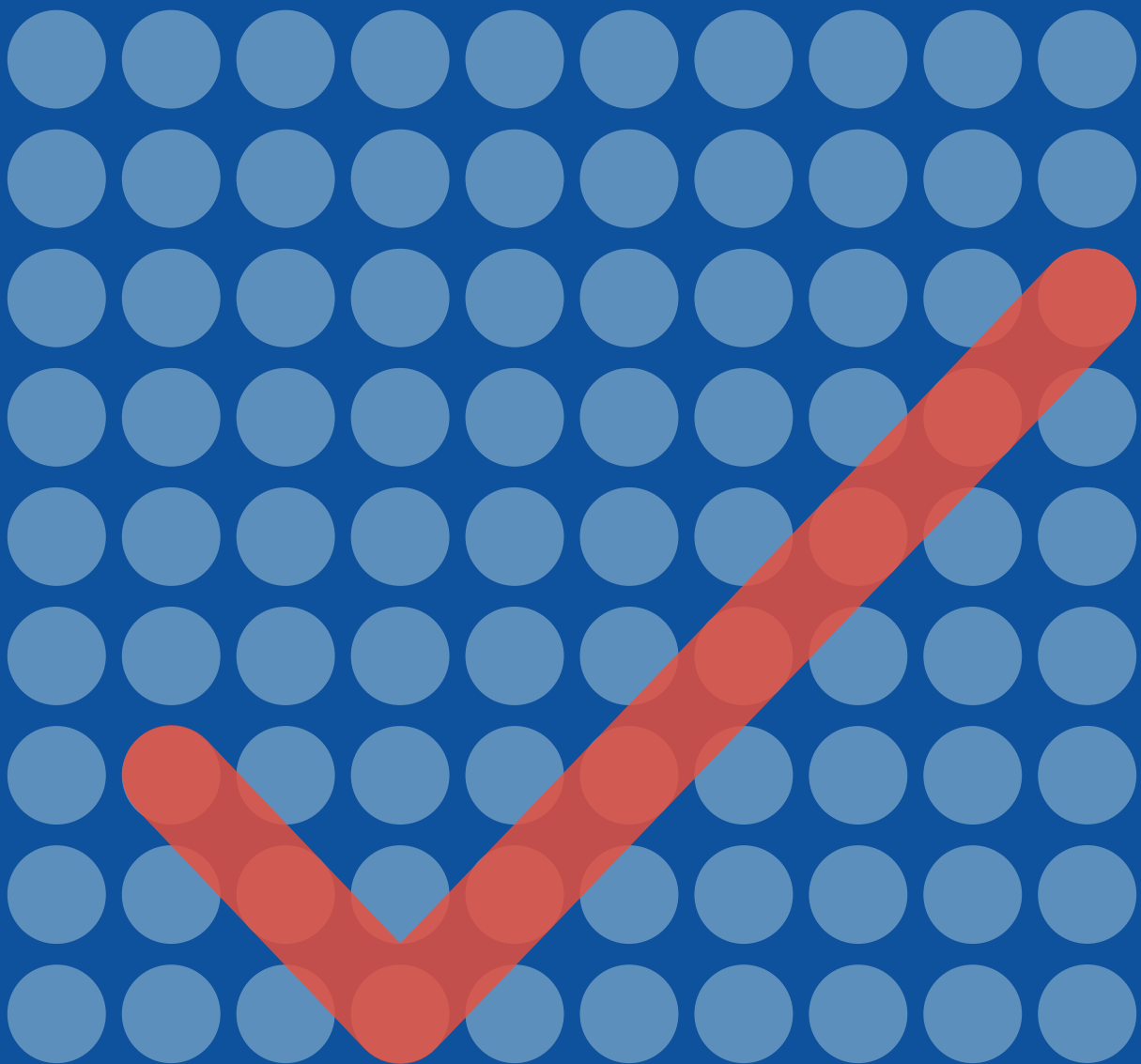
The MTG scheme has not operated since its closure. However, since 2013 payments of up to €208.50 have continued to be made by the Health Service Executive to 4,700 people who were in receipt of MA prior to the closure.

In the meantime, the Department of Health has been working on drafting the Health (Transport Support) Bill which will provide for the replacement scheme. According to the Government's Legislative Programme the Bill is due for publication during the 2017 Spring/ Summer Session.



"I thank you for both, your assistance, and patience, and must commend you, for the calm and reasonable way you approached the complex matters which I put to you."

-A Complainant



03

Putting it Right - Ombudsman
Case Studies

Chapter 3: Putting it Right - Ombudsman Case Studies

In Chapter 2 I summarised the complaints my Office received in 2016. In 27.6% of cases I either upheld or partially upheld the complaint against the service provider. In this Chapter I present summaries of just some of the complaints that I upheld.

AGRICULTURE

3.1 Department changes its mind four years after accepting €18,000 grant application

Background

A man complained to the Ombudsman when the Department of Agriculture, Food and the Marine initially approved his application for a grant under the Reconstitution/Forest scheme and then four years later revised its decision. On the basis of the initial approval the man had replanted an area of forest at a cost to him of €18,255.

Examination

One of the conditions of the scheme is that the applicant must advise the Department of any previous damage to the forest prior to making an application. The Department said the reason it had changed its decision was that it became aware that the forest area had been damaged by fire prior to the man's application. However the man said that when he submitted his application in May 2009, he made the Department aware that the forest had been damaged and submitted a report from An Garda Síochána confirming the date of the fire.

Outcome

After examining the relevant documentation in the Department file the Ombudsman said it was unreasonable of the Department to change its decision four years after approving the grant and after the man had replanted the area.

The Ombudsman considered that the Department had approved the application in the knowledge that there was a breach of the terms and conditions of the scheme. The Department agreed to revise its decision and approved the grant.

3.2 Ombudsman finds farmer's €27,000 'late' application made in time

Background

A farmer complained to the Ombudsman when the Department of Agriculture, Food and the Marine failed to approve his and his wife's 2007 applications under the Farm Improvement Scheme (FIS). The man was informed of the Department's decision to refuse their applications and his right to appeal the decision only when his solicitor wrote to the Minister for Agriculture in 2011. The Department claimed that it received the applications after the closing date of 21 October 2007. However, the man said he had evidence that the applications were made in time.

Examination

The farmer provided evidence to the Agriculture Appeals Office to show that the applications had been hand-delivered to the Department's regional office on 18 October 2007. This included a statement from the Teagasc official who delivered the applications, details of the official's travel claim in respect of the trip to the regional office on 18 October 2007 and a copy of the Teagasc daybook (which contained details of the applications delivered that day). However, the Agriculture Appeals Office concluded that, on the balance of probabilities, the applications were received after the closing date because they were date stamped as received on 22 October 2007.

Outcome

The Ombudsman examined the evidence and asked the Department to reconsider its decision as he felt that there was compelling evidence, including information provided by a State agency, to support the farmer's claim that the applications had been made in time. The Department reviewed its decision and agreed to pay the farmer and his wife €27,100 in respect of their applications.

3.3 Department sought repayment of €25,000 from man after his land flooded

Background

A man complained to the Ombudsman after the Department of Agriculture, Food and the Marine sought to recover a grant of over €25,000 from him following flooding of his land in Kerry. The man had received a grant under the Department's Afforestation Scheme to establish a forest on his land. However the forest had been destroyed following severe flooding in 2009.

Examination

The Department maintained that the man knew that his land was prone to flooding when he made the application for the grant in 2004. It also maintained that the man was partially responsible for damage to the forest.

The Ombudsman discovered that the Department had inspected the man's land and had been made aware that the land may be prone to flooding prior to granting the man's application. In addition, the Ombudsman was satisfied that the Department's definition of 'force majeure' applied in this particular case and therefore, the man was not responsible for the destruction of the forest.

Outcome

The Ombudsman decided that the Department had acted unfairly in seeking recovery of the money. The Department agreed not to pursue the repayment.

Full details of this case are on the Office of the Ombudsman's website.

SOCIAL PROTECTION

3.4 Department wrong not to backdate man's Invalidity Pension

Background

A man who had a disability since 2011 was granted Disability Allowance by the Department of Social Protection later that year. In 2013 the Department granted his application for Invalidity Pension. The man then asked that his application for Invalidity Pension be backdated to November 2011, when he first became disabled. However the Department and subsequently the Social Welfare Appeals Office refused.

Examination

Disability Allowance is means tested and the man received an allowance of approximately €5 per week. However, under the Invalidity Pension scheme the man would have received €190 per week. The man said that the Department's staff in its local office had incorrectly advised him to apply for Disability Allowance rather than Invalidity Pension in 2011.

The Department had written to him prior to his application for Disability Allowance suggesting that he may qualify for Invalidity Pension. However, the man has extremely poor literacy skills and had visited the local office to discuss his application and get advice.

After an examination of the Department's files the Ombudsman believed there were sufficient grounds to consider that the man had been misinformed by Department staff in 2011. The Ombudsman asked the Social Welfare Appeals Office to review the case.

Outcome

After reviewing the evidence, the Social Welfare Appeals Office revised its decision. The man's Invalidity Pension was backdated to 2011 and he received arrears of nearly €11,788 (which included a deduction for the amount of Disability Allowance he had already received).

3.5 Woman's €20,000 social welfare bill turns into a refund

Background

A woman complained to the Ombudsman after she wrote to the local office of the Department of Social Protection and failed to receive a response. The woman had received correspondence from her local office saying that an overpayment of €19,900 had been made to her. The woman was unaware of how this debt arose and had written to the Department for an explanation.

Examination

The Ombudsman contacted the Department's local office and asked it to respond to the woman's correspondence. While responding to the Ombudsman the Department also reviewed the woman's social welfare payments. It discovered that her application had not been processed correctly. The woman's income had been recalculated a number of times resulting in different outcomes, while in considering her husband's income the Department had failed to take account of an illness that reduced his income.

Outcome

Following the review, Department discovered that not only had there been no overpayment but that the woman was entitled to a refund of approximately €700.

HEALTH

3.6 Poor A&E treatment resolved after meeting with hospital

Background

A woman complained to the Ombudsman after her son paid a number of visits to Our Lady of Lourdes Hospital, Drogheda, to have his shoulder, which regularly dislocates, re-set. Her son suffers from a rare and painful hereditary medical condition (Elhers Danlos Syndrome). She complained that he was receiving unsatisfactory treatment from medical staff, which was both unnecessarily painful and distressing for her son and the family. She said that, as a result he preferred to travel a considerably longer distance to A&E in another hospital, where his physical and personal treatment was substantially better.

Examination

In January 2015, the woman formally complained to the hospital. She set out her concerns, and asked that her son's care and treatment plan be reviewed. She referred to the satisfactory approach adopted in the other hospital. The woman also complained about the behaviour of certain medical staff in the hospital and a number of extremely upsetting incidents her son had endured.

Initially the hospital's response was encouraging. It promised to arrange a full review of her son's medical care and treatment plan, to be led by a Consultant from another hospital. It also promised to investigate her allegations relating to the interaction between clinical staff and her son, as well as the family. However, the woman received no further contact from the hospital despite contacting it several times seeking updates and action.

Outcome

The Ombudsman contacted the newly appointed General Manager of the hospital, who intervened, promptly convening a meeting between the hospital and the woman. The woman told the Ombudsman that she and her son were happy with the outcome from the meeting. She said that her son's admissions to A&E in the hospital had improved and were "very positive and consistent".

3.7 Series of errors in hospital's treatment of new mother

Background

A woman who had recently given birth at the Midland Regional Hospital Mullingar was suffering from bleeding and an ongoing pain when she attended for an ultrasound scan. After the scan she was not contacted by the hospital and she subsequently had to attend the Emergency Department. She underwent a procedure to remove some tissue from her uterus and it was discovered that she had developed an infection.

- The woman never received a six week follow-up appointment.
- A discharge summary was never sent to her GP.
- During her readmission to hospital the woman was never informed that she could keep her new baby with her.

Eventually the woman received an apology from the hospital consultant but felt the full extent of her complaint had not been understood by the hospital.

Examination

The Ombudsman's examination showed that:

- the discharge summary was dictated but was not sent with a medical chart for typing. If the discharge summary had been typed an appointment for a six week check would have been triggered.

- the ultrasound scan results had been sent to a junior doctor who was no longer involved in the woman's care.
- a copy of the report was issued to the consultant but he did not receive it until much later.
- three letters sent by the woman's GP to the hospital never received a reply.

Outcome

The hospital has since sent the discharge summary to the GP and apologised to the woman for the upset and distress caused.

The Ombudsman's examination has led to a number of improvements in the hospital:

- the process for issuing discharge letters and follow-up appointments has become more streamlined and they are now prepared on the ward.
- a 'Birth Afterthoughts' Service has started where a new mother can meet with a senior midwife and discuss any issues of concern.
- the processes around the digital radiology system, which was new at the time, have improved.

3.8 Man incorrectly identified as threat to staff on hospital computer system

Background

A man complained to the Ombudsman after a security guard was called to be present with him when he attended the Emergency Department of Mayo University Hospital. He discovered it was because information, which said that he was a threat to staff, had been recorded on the hospital's electronic patient information system.

Examination

The hospital could not explain why the information was on its computer system or identify who put the information on the system as it did not record who had made the entry. It was clear the man had never been a threat to staff. The hospital apologised to the man and removed the information.

The general manager of the hospital sent a memo to staff in the relevant departments highlighting the issue of inappropriate use of computer fields. Appropriate use of patient information and use of computer fields on the patient system was included in the training course for new staff. The system training manual was also updated. The hospital contacted the HSE and the system supplier to investigate the possibility of allowing tracking of the computer fields in question.

Outcome

The Ombudsman accepted that the hospital had responded appropriately to the complaint and that its report on the incident was comprehensive. The hospital again apologised and offered to meet the man to discuss his complaint in order to ensure he felt comfortable attending the hospital in the future should he need to do so.

3.9 Complaints about the Cross Border Healthcare Scheme

The Cross Border Healthcare scheme gives people resident in Ireland the option of having public health treatment in another EU country. People in Ireland often avail of the scheme due to long waiting-lists for some publicly funded treatments. The scheme is administered by the HSE which reimburses the cost of the treatment. Reimbursement is made in line with published rates available from the HSE's National Contact Point. The cost of treatment is paid in advance by the patient.

I received a number of complaints about the scheme in 2016.

The complaints relate to confusion over the administrative 'code' used for treatments or confusion over reimbursement for in-patient and out-patient care. In-patient (or overnight) treatment requires prior approval by the HSE before travelling, and there is an associated code and an agreed cost for each specific treatment. Out-patient (or day care) does not require prior approval.

Case Study 1: Pensioner denied full refund of cross-border hip replacement operation

In one case a 74 year-old woman complained to the Ombudsman when the HSE did not refund the full cost of her hip operation. The woman had waited over two years on the public waiting list for the operation and had decided to travel to Northern Ireland for treatment under the Cross Border Healthcare scheme. She had paid the full cost of the operation in advance (€12,500 which she had borrowed from a relative) and then sought to reclaim the money from the HSE. However, the pensioner complained to the Ombudsman when the HSE repaid only €10,900 of the cost involved.

The HSE explained that the original approval was based on the information provided by the woman's consultant. She had originally been approved for a 'non-standard' hip replacement operation. After the woman's surgery, the Northern Ireland consultant had not confirmed that she had received the more expensive 'non-standard' surgery. The HSE made a payment for a less expensive 'standard' hip replacement operation but committed to having the woman's medical chart independently assessed to check whether the more complicated procedure had been provided. When the woman contacted the HSE the independent assessment of the medical chart had not been carried out. The HSE accepted that the independent assessment should have been carried out sooner. As a gesture of goodwill the

HSE apologised to the woman and refunded her the shortfall amounting to €1,600.

Case Study 2: Wrong scheme - wrong information

In another case, a woman who had previously been approved for in-patient lymphoedema treatment (to control swelling on her legs following cancer treatment) under the Treatment Abroad Scheme (TAS) was initially refused further treatment under that scheme. She was then incorrectly advised to apply for treatment under the Cross Border Healthcare scheme before eventually being approved for treatment under the Treatment Abroad Scheme.

The woman was not informed that she could have appealed the HSE's initial decision to refuse her TAS application. Instead, the HSE told her to apply for treatment under the Cross Border Healthcare (CBH) scheme. According to the HSE, the treatment she needed was available on an out-patient basis in Ireland. This was incorrect. While out-patient care is available here for some lymphoedema patients, the woman required a more intensive form of in-patient treatment for her condition which is not currently available in Ireland. Therefore, her application should have been considered under the Treatment Abroad Scheme rather than the Cross Border Healthcare scheme.

After paying in advance for her treatment abroad under the CBH, she was advised by the HSE that she needed to submit a 'treating code'. However, there are no HSE treating codes for out-patient care abroad. In desperation the woman turned to her private healthcare which provided a contribution towards the costs. After she complained to the Ombudsman the HSE agreed to refund the balance to her (€2,900). The HSE also agreed to approve future lymphoedema treatment for the woman under the Treatment Abroad Scheme and to consider applications for other patients in a similar situation.

Case Study 3: Difference in day care costs versus in-patient care

A third case involved a man who had received approval from the HSE for in-patient treatment (involving an overnight stay) for carpal tunnel syndrome in both his hands. The man paid in advance for his in-patient care in a Northern Ireland hospital at a cost of nearly €7,000 but was well enough to leave the hospital on the same day as his operation. Therefore, he was deemed to be a day patient and should have received a refund from the hospital. However, when the man sought a refund from the hospital it was refused. The hospital said that the cost was the same whether he went home the same day or remained overnight.

The HSE could only reimburse the man as a day patient which amounted to just over €2,000. This left him with a shortfall of almost €5,000. When the Ombudsman checked with the Northern Ireland hospital about the variation between day and in-patient charges, the hospital accepted that an error had been made in his case. It agreed to refund the man's outstanding costs. In highlighting this case, the Ombudsman is keen to highlight what can happen in situations where patients are not fully aware of the details of the scheme or how it operates.

.....

In this case, the HSE could not have been expected to know that the man would be discharged as a day patient having issued approval for him to receive in-patient care. The HSE, in consultation with the Office of the Ombudsman, has altered its approval letter to inform patients of the range of possibilities under the scheme and about their entitlements.

LOCAL AUTHORITY

3.10 Man unfairly charged penalties on 'second-home tax'

In recent years I have received a number of complaints about the Non Principal Private Residence charge (also known as the 'second-home' tax). Many of these came from home owners living abroad who claim they were not aware of the charge. I upheld such complaints in a very limited number of circumstances such as the ones set out in this next case.

Background

A man was charged €6,230 in late payment penalties by Cork City Council for failing to pay his Non Principal Private Residence charge (NPPR) on time for a house he owned in Cork. The man and his wife live in Australia and rarely visited Ireland. He bought the property before the tax was introduced in 2009 and said that he was unaware that such a payment was due. The man rented the property out and had engaged an auctioneer to deal with any maintenance issues that might arise during the tenancy. He had no objection to paying the €1,000 charge but sought to have the late payment penalty removed.

Examination

NPPR was a tax applied from 2009-2013 in respect of a residential property that was not the owner's only or main residence in those years. It was a self-declaration tax and the onus was on the owner to register the property and pay the tax. The Ombudsman agreed a framework with Local Authorities in relation to NPPR charges. They provided that if a property owner, living abroad, satisfied a number of conditions they would be eligible for a 50% reduction in late payment penalties.

The man was not notified of his liability by the Council before the penalties accrued. He rarely visited Ireland, did not own more than one property liable for NPPR, and he did not have his property managed by an agent.

The Council accepted that the Auctioneer had a very limited role in dealing with maintenance issues and did not manage the property.

Outcome

The Council agreed that he met all five conditions required and agreed to reduce the amount the man owed in late payment fees by 50% resulting in a saving of over €3,000 to the man.

3.11 Council reaches agreement with man after garden wall built in wrong place

Background

A man discovered that a boundary wall at the end of his garden had been built in the wrong place. He wanted to renovate his garden but part of the garden was now in the physical possession of Kildare County Council which had purchased the neighbouring property.

Examination

He had purchased his home in 2002. At the time, the wall at the end of his garden was completely overgrown. He had cleared the overgrown hedge and discovered that the wall was in the wrong position. The Council purchased the neighbouring property in 2008 - six years after the man purchased his house. The dividing wall pre-existed the Council's purchase of the land.

Outcome

The Ombudsman was pleased that the Council agreed to undertake remedial works and to share the cost of re-siting and rebuilding the boundary wall. This allowed the man access to his full garden.

EDUCATION

In Chapter 2 I referred to a number of complaints I received about Student Universal Support Ireland (SUSI). My staff have worked with SUSI to address the issues raised in these complaints and I would like to acknowledge the cooperation of SUSI and the Department of Education and Skills in addressing these issues. I set out summaries of two of the complaints my Office resolved during 2016.

3.12 SUSI accepts late application after technical difficulties

Background

A student complained when, unlike many other students, he did not receive a reminder from SUSI to renew his higher education grant. As a result, SUSI refused his late application for the grant and he was left with no money to pay college registration fees, etc.

Examination

The student had changed email addresses but provided evidence of having informed SUSI of his new address. Following an investigation SUSI said that an error had been made in setting up a duplicate account for the student on its support database. This resulted in a significant delay in an application form being sent to the student.

Outcome

As a result of the technical difficulties experienced within SUSI it agreed to accept a late application form from the student.

3.13 Student's step-father not given equal treatment in grant scheme

Background

A student complained to the Ombudsman when her application for a means-tested student grant was refused by SUSI. The income of an applicant's parent or guardian can be considered in assessing the household income. However, in this case, SUSI said that the income of the girl's step-father could not be included as a 'step-father' was not included in the definition of 'parent or guardian' in its legislation. The student complained that the grant was designed to support students from low-income households and that students from households with exactly the same means would be eligible for the grant if their 'natural' parents were still married and living together.

Examination

The student had applied for the 'Special Rate Grant'. For a student to be eligible, the household income must be below a specified amount and the student's parent or guardian must be in receipt of a 'qualifying payment' which includes certain social welfare payments.

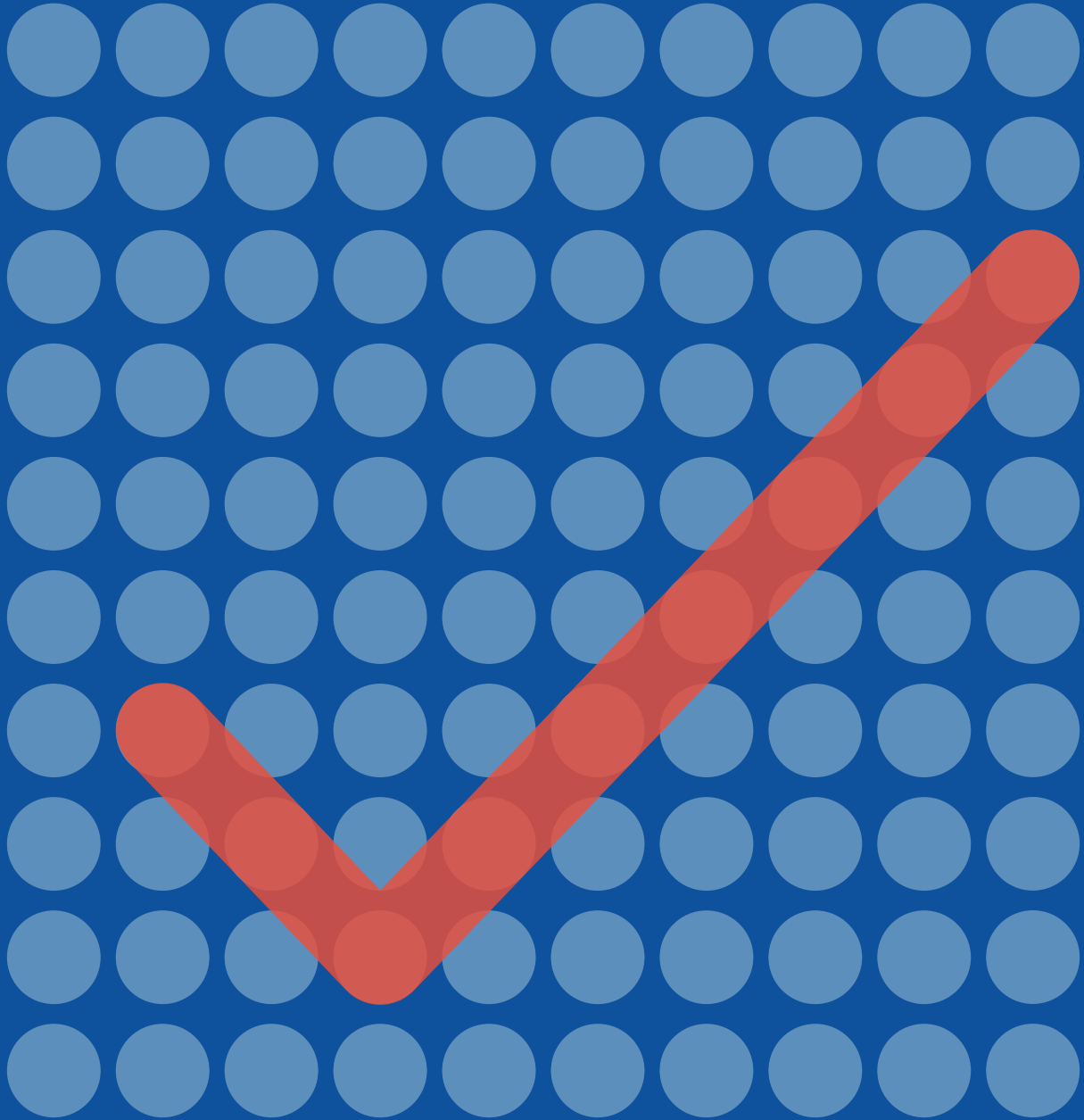
In the student's case the family's income was below the threshold and the family was in receipt of a social welfare payment - Family Income Supplement (FIS). However, the FIS was being paid in the name of the step-father on behalf of the family. SUSI took the view that as her step-father was excluded from the definition of 'parent' and as the FIS was in his name, the student's mother was not in receipt of a qualifying payment. Therefore the student was not eligible for the Special Rate Grant.

When the Ombudsman contacted the Department of Social Protection it said that even though FIS is payable to one applicant, a husband and wife are deemed to be joint applicants, with each having the same obligations and responsibilities under the scheme. In the circumstances, the Ombudsman considered it unfair to refuse the application for the student grant.

Outcome

Following the Ombudsman's discussions with the Department of Social Protection and the Department of Education and Skills, the student was awarded a payment of €2,890.

As a result of similar complaints to the Ombudsman the Department of Education and Skills has since amended the legislation so that in cases of FIS, a household's principal earner and his/her spouse or partner are now considered to be holders of a qualifying payment in their own right, regardless of whom the FIS is actually paid to.



04

Putting it Right by Improving
Public Services

Chapter 4: Putting it Right by Improving Public Services

One of our strategic objectives is to drive improvements in the wider public service. We do this in a number of ways. If there is learning from the individual complaints we examine then we highlight this to the service provider involved. Sometimes a single complaint or group of complaints can highlight a systemic issue which, if resolved, can benefit a large number of people dealing with the service provider and avoid similar complaints arising in the future. We discussed some of the systemic issues we discovered in 2016 in Chapter 2. We also share learning from complaints we examine in a number of other ways, for example, through The Ombudsman's Casebook, in meetings with local service providers and by issuing general guidance to service providers.

4.1 The Ombudsman's Casebook

Since becoming Ombudsman I have been working to make the learning from cases considered by my Office much more widely available.

One of the ways of doing this has been through The Ombudsman's Casebook, a quarterly publication.

The quarterly Casebook provides summaries of cases we have dealt with over the previous months in the Office. It describes complaints across all the areas the Office deals with, such as Health, Social Welfare, Education, Local Government, Agriculture, Taxation and Nursing Homes.

It is circulated in digital format to over 2,500 officials in public service providers, members of the Oireachtas and other public representatives. It is also available on my website, www.ombudsman.ie.

My Casebook has received a very positive response from public service providers and public representatives.

I published the ninth edition of The Ombudsman's Casebook in December 2016. I also published a special Kerry edition of the Casebook, summarising complaints I received from that county, to coincide with our Kerry Outreach Event in September 2016. In October 2016 I published a special 'Local Authority' edition of the Casebook summarising complaints I receive about local authority issues such as Housing and Planning. This Casebook was widely circulated to key officials across the local authority sector. The aim is to learn from what works and does not work in the local authority sector.



The Ombudsman's Casebook Winter 2016

4.2 Putting it Right around the country

While complaints can be made to my Office by letter, email, online and in person at our Dublin office I am aware that many people want to meet in person outside Dublin and need assistance with their complaint. I also wish to engage with public representatives and the many providers of public services located around the country. With that in mind we have carried out a number of 'regional' events in 2016.

Kerry Outreach Event 2016

On 22 and 23 September 2016 my Office organised a major outreach event in Tralee, County Kerry. The event consisted of a number of initiatives over the two days:

i. Conference: 'Learning from the Kingdom's Complaints: How complaints can improve public services'

This half-day conference was attended by key officials from public service providers in Kerry such as the HSE, hospitals and local authorities. A number of local TDs and representatives from voluntary groups also attended. I, and two of my officials, set out the type of complaints we receive from Kerry; the aim of the quarterly publication The

Ombudsman Casebook; and how we can work together to improve the delivery of public services. We had an extremely positive discussion with those who attended which should benefit the work of us all in the future.

ii. Meetings with local public service providers

While in Kerry I also met with senior management in University Hospital Kerry, Kerry County Council and the Intreo Centre in Tralee. We discussed the issues facing public service providers in Kerry and, in the case of University Hospital Kerry, the recommendations in my investigation report – Learning To Get Better.

iii. Training session for staff of Citizens Information Centres in Kerry

Citizens Information Centres (CICs) provide an excellent service to people around the country, including providing advice and assistance to the public in their dealings with public service providers under my jurisdiction. In Kerry we took the opportunity to explain to staff of Kerry CICs the type of complaints we can deal with and how they can take complaints from the public on our behalf. Again this event was extremely useful and we look forward to working closely with the CICs in the future to benefit the public.

iv. Complaint-taking service for the public

Staff from my Office held a full day clinic in Tralee, to take complaints from the public and provide advice and assistance to callers. I was pleased that we were able to help quite a number of people and visitors commented on the benefits of being able to meet our staff and use our services in person.

I am pleased to say that we received extremely positive feedback from those we met and we plan to arrange a similar event in another part of the country in 2017.



Right to left: Deputy John Brassil, Moira Murrell, Chief Executive of Kerry County Council and Peter Tyndall, the Ombudsman at the conference in Tralee.

Visits to the Citizens Information Centres (CICs)

To improve access to people living outside Dublin, staff from my Office visit Citizen Information Centres (CICs) to take complaints from members of the public. Monthly visits to Cork, Limerick and Galway continue to provide a valuable local service, easily accessible to people living there.

During 2016, Ombudsman staff were available on 35 occasions to provide advice and assistance and to take complaints from the public.

Limerick CIC in 2016

37 complaints were received.

Galway CIC in 2016

41 complaints were received.

Cork CIC in 2016

84 complaints were received.

Our visits to the CICs also gave us the opportunity to provide assistance to nearly 200 other people whose complaints were not within our remit or where they had not taken up the matter with the public service provider in the first instance.

Training for CIC Staff

Apart from our monthly visits we provided information and guidance to CIC staff in Galway, Limerick and Cork on complaint taking and on the role of the Ombudsman. This training enabled CIC staff to provide advice to CIC visitors on how to make a complaint and on whether to refer a complaint to the Ombudsman.

Participation at Exhibitions

1. Cork Adult Education & Training Exhibition

The Office has had a long standing presence at this two-day exhibition held every September. Attendance has been extremely useful in promoting the role and function of the Office in the Southern region.

2. 50Plus Shows in Galway and Dublin

The 50Plus show is a popular event attracting approximately 23,000 people over three days. Staff members were present at shows in Galway and Dublin and to answer questions about the role of the Office and provide advice and assistance to members of the public.

I would like to thank all those involved in our Outreach programme during 2016. As ever, my staff continue to bring our service directly to the people in a courteous and professional manner.



Claire Kelly, Rebecca Connolly and Orla Cafferky from the Office of the Ombudsman at the 50plus expo in Dublin

4.3 Putting it Right by extending the Ombudsman's jurisdiction to all public services

Direct Provision

As I reported in my 2015 Annual Report (page 20) the barrier preventing me from taking complaints about the day to day administration of direct provision centres was being removed. This was finalised in April 2017.


In advance of this, my Office set up a dedicated project team and began to undertake a comprehensive preparatory programme in late 2016 which continued into early 2017. This included the preparation of a detailed Direct Provision 'Factsheet' which explains the work of my Office and how residents and others can submit complaints about the administration of direct provision centres.

We are visiting centres around the country to meet with staff and residents to explain what we do and how we do it. We have also had discussions with the Reception and Integration Agency (RIA) of the Department of Justice and Equality. My staff have also been involved in complaint handling training for centre managers and RIA staff. We also plan to engage with relevant NGOs.

I would like to thank the Tánaiste and the staff in the Department for their work in relation to this issue.

FACTSHEET

The Ombudsman
and complaints about the
Direct Provision system



Oifig an Ombudsman
Office of the Ombudsman

This factsheet tells you what you can do if you are living within the Direct Provision system and you have a complaint.

What can the Ombudsman do?

For those living in the Direct Provision system, the Ombudsman can examine complaints about certain actions of:

- Accommodation Centres
- The Reception and Integration Agency (RIA)

When should I complain to the Ombudsman?

Before you complain to the Ombudsman, you must first complain to the manager of the Accommodation Centre.

If you are unhappy with the way your complaint has been dealt with by the manager of the Accommodation Centre, you can take it to the Reception and Integration Agency (RIA). If you are still unhappy after the RIA's examination, you can then contact the Ombudsman. When making a complaint to the Ombudsman, you should set out the reason(s) why you are unhappy and what you feel should be done to put things right.

You should submit your complaint within 12 months of the action or decision that has adversely affected you. However, even if more than 12 months has passed, we may still be able to help if there is a good reason for the delay.

Plain English
Approved by NALA

www.ombudsman.ie

Direct Provision Factsheet

Prisons

In my view, the legal constraint which prevents my Office from taking complaints about the Irish prison service should be removed.

In April 2016, the then Inspector of Prisons (IOP), Judge Michael Reilly (RIP), published a report which was highly critical of the current prison service complaints system. He said it is not truly independent and is not in line with Ireland's international obligations.

Following the report, the Tánaiste and Minister for Justice and Equality, Frances Fitzgerald, announced that prisoners should be able to have their complaints independently investigated by my Office. I warmly welcomed this announcement.

It will be a matter for the Minister for Public Expenditure and Reform, following a consultation process, to propose amendment to Ombudsman legislation to permit the extension of jurisdiction. Other current legislation relating to the prison service will also require amendment.

.....

A range of other preparatory work is being undertaken by my Office in anticipation of the extension. This includes a number of meetings with senior officials from the Irish Prison Service (IPS) and the Department of Justice and Equality in relation to a review of and improvement in the current local complaint handling systems within prisons. I wish to place on record my appreciation for the open positive engagement displayed by the IPS and the Department in its dealings with my Office.

'Ombudsman Behind Bars' seminar: Complaints about the Prison Service

In anticipation of prison complaints coming under my remit, I was very pleased to be able to host the Prisons Seminar, 'Ombudsman Behind Bars', in conjunction with the Ombudsman Association Annual Meeting and Conference. This seminar highlighted the need for an independent complaints system, and explored the experience of other ombudsmen in this area.

The keynote speaker was the late Judge Michael Reilly, Inspector of Prisons in Ireland, who recommended the Ombudsman should be able to examine complaints from prisoners. Also speaking was Howard Sapers, Correctional Investigator for Canada, Dr. Niall Muldoon, Ombudsman for Children, and Niki Maclean, Director of the Scottish Public Services Ombudsman.

The seminar was attended by key representatives from the prison community, including the Department of Justice, Prison Officers Association, prison governors, Prison Visitors Committees and NGOs.

The seminar was extremely well received by those who attended. I wish to thank all the speakers and participants, and in particular I would like to pay tribute to the commitment and dedication of the late Judge Reilly in his role as Inspector of Prisons.

Clinical Judgement

Under the Ombudsman Act 1980, as amended, I am prevented from pursuing complaints against private nursing homes or the Health Service Executive where the action complained of relates solely to a 'clinical judgement' decision.

It can be seen from care and treatment cases which my Office has published over the years that the constraint means that I cannot examine many such complaints in a comprehensive manner. This is frustrating for complainants and leaves them with many unanswered questions.

In consultation with the Department of Public Expenditure and Reform and other interested parties, the Department of Health is continuing its consultation process on the question of whether the current constraint should be removed. I expect this matter to be concluded during 2017.

4.4 Guidance to Public Service Providers on Making an Apology

My Office has produced a number of guidance documents aimed at assisting public service providers improve delivery of services. In 2016 I issued a 'Guide to Making a Meaningful Apology'.

Many people who complain to my Office about public services tell me that what they are looking for is for the service provider to acknowledge that something went wrong and to receive a meaningful apology. People tell us they want to be listened to. They want to be reassured that lessons have been learned and that the same mistake does not happen again.

The Guide explains what a meaningful apology is, what people want from an apology as well as the benefits of getting apologies right. I have found that, on many occasions, complaints could have been avoided if an apology had been given by front line staff or a senior manager.

The Guide is available on my website.



"You have achieved a great deal in having changes implemented that will be of benefit to other elderly, frail people. It's very comforting to know that there is an organisation we can turn to for help when we cannot resolve matters ourselves."

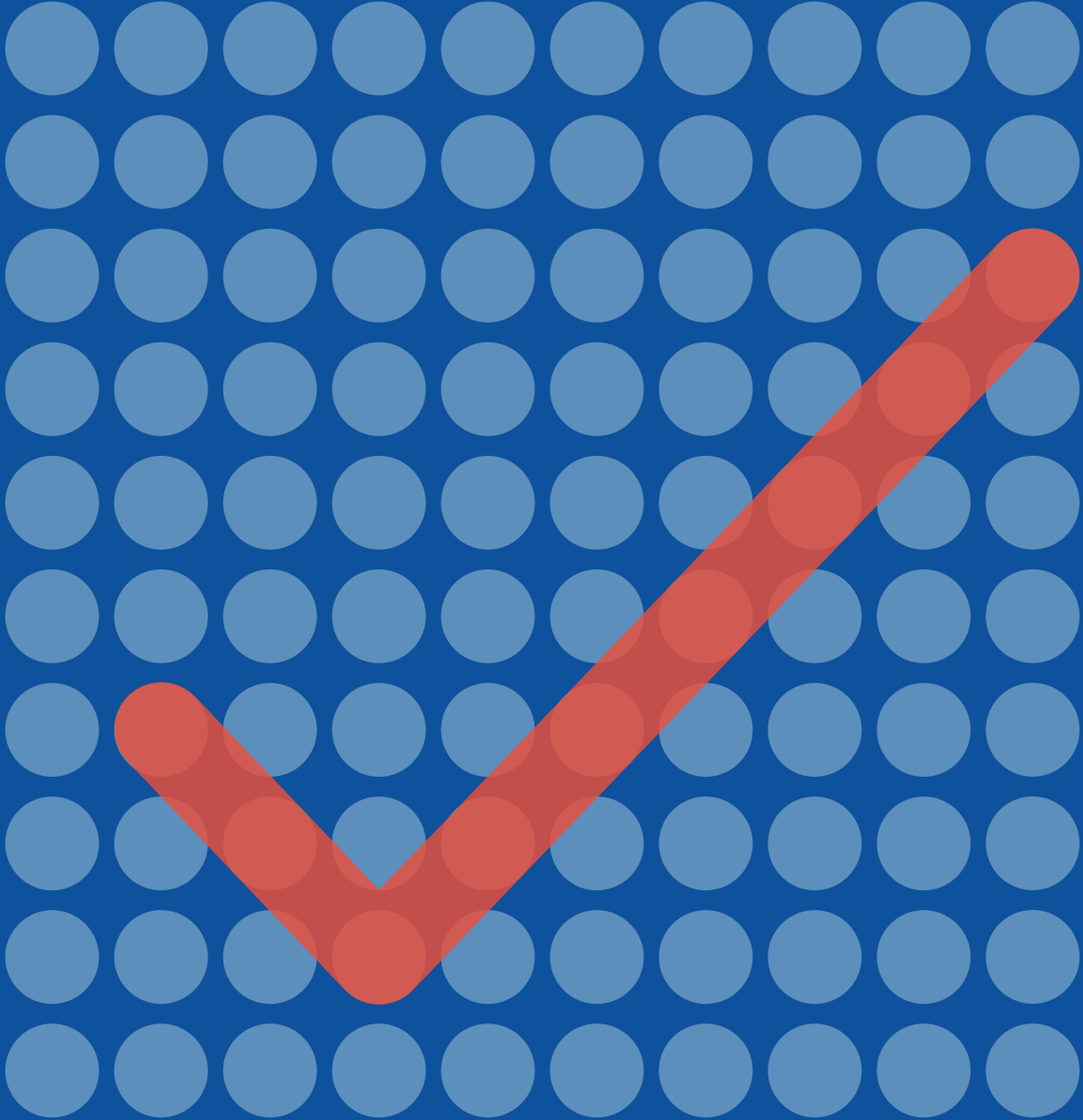
-A Complainant



"I and my family cannot thank you enough for all you have done for us. You persevered with my uncle's case and you got us results and answers. We genuinely appreciate all the time and effort you put into it".

-A Complainant





05

Putting it Right by Improving
our Services

Chapter 5: Putting it Right by Improving our Services

5.1 Strategic Plan and Values 2016-2018

The 2016 – 2018 Statement of Strategy provides a roadmap for realising a three-year growth strategy for my Office. The following high level objectives were identified as primary enablers in the achievement of my Office's vision:

- We will **drive improvements in the wider public service**
- We will deliver a **customer focused service** that reflects our core values.
- We will develop and **enhance our management and administrative frameworks** to enable and underpin our objectives of improving the wider public service and delivering an excellent customer focused service.

My Office also identified organisational values, which set out the qualities that my staff are expected to demonstrate when carrying out their duties, namely:

- Fairness
- Independence
- Innovation
- Customer Focus
- Empathy



The Office's Organisational Values

The values were promoted throughout the organisation by a dedicated committee represented by staff at all grades. The values are central to my Office's work and are embedded in our practices and systems.

The significant progress made by my staff in respect of the Strategic Statement's Key Objectives is evident throughout the contents of this Annual Report. Business Plans supporting these goals have been devised at the beginning of each successive year. The implementation of those plans, and their context within the overall Strategic Statement, have been monitored internally and reviewed on a quarterly basis. This has allowed the Management Team to assess and measure progress and to implement adjustments to their respective Business Plans where necessary.

In 2017 I look forward to:

- enhanced management information in order to more effectively identify and analyse trends,
- further streamlining the process through which members of the public can complain about public service providers and
- realising the benefits from our investment in technology for new case and document management systems.

5.2 Section 42 of the Human Rights and Equality Commission Act 2014

The Irish Human Rights and Equality Commission Act 2014 introduces a positive duty on public service providers to have due regard to human rights and equality issues.

My Office has responsibility to promote equality, prevent discrimination and protect the human rights of our employees, complainants, services users and everyone affected by our policies and plans. This is a legal obligation, called the Public Sector Duty, which emanates from Section 42 of the Irish Human Rights and Equality Commission Act 2014. However, the role of my Office stretches beyond a consideration of this legality to consider whether actions of public service providers are just and whether they are fair. Securing equality of opportunity and respect for human rights is at the heart of the work of my Office.

My Office is committed to providing a service to all clients that respects their human rights and their right to equal treatment. This is equally applicable to how we interact with our own staff as it is essential in fostering a healthy work environment that promotes engagement, openness and dignity in the work place. Our approach is underlined by our core organisational values of independence, customer focus and fairness, which are evident in both the culture of our Office and our internal policies and practices. We have been proactive in providing training to our staff, which encourages them to bring a human rights perspective to their consideration of cases.

5.3 Delivering our services efficiently: ICT Developments

Up to date ICT systems and infrastructure are critical to delivering on our objectives to provide a customer focused service and improve the wider public service.

ICT Infrastructure

Implementation of an extensive ICT renewal and improvement plan saw significant progress on the replacement of outdated ICT infrastructure and the procurement of new systems to handle complaints and relationships with customers and stakeholders. My Office is committed to ensuring that we successfully harness these new technologies to deliver better customer service and knowledge management. Roll-out of these new systems in 2017 will facilitate the digitalisation of services where appropriate and the automation of routine tasks that will support the delivery of a more effective and efficient service. They will also provide enhanced facilities to identify learning from complaints which can drive improvements in public services.

New Ombudsman Website - 2017

Work commenced in 2016 on a new Ombudsman website that will facilitate the delivery of enhanced online services for both members of the public and other stakeholders in 2017. The new website will include an online portal offering a fast and efficient facility to submit and manage complaints online. It will also address the requirement identified by our customers for a quick and secure facility to transfer data and documents to us.

Single Complaints Portal for Health Complaints

My Office also intends to use this online portal technology to enhance the multi-agency Healthcomplaints.ie website. This will enable members of the public to submit public health and social care complaints online directly through the Healthcomplaints website.

Office Intranet

Finally, 2016 saw the roll out of an Intranet facility within my Office. It has provided a useful platform for the team to share learning internally and enhance communication across the organisation.



"Thank you so much for your painstaking and detailed investigation of my complaints about the treatment of my father Thank you also for your very detailed and concise response."

-A Complainant

5.4 Quality Assessment and Review Process

As part of our strategic plan we are continuously improving the level of services we provide and ensuring that our systems and processes allow us to deliver on our strategic objectives. To ensure the quality of our case handling we introduced quality standards which set objectives for casework in the areas of procedures, timeliness, communications and accuracy.

To ensure we meet our quality standards we have a Quality Assessment process in place. Every month our QA Team examines 15% of cases closed in the previous month and:

- Assesses cases against our quality standards
- Identifies and suggest solutions to any process issues arising from monthly quality audits
- Provides feedback to caseworkers on individual cases.

Review Process

There is no statutory appeal of an Ombudsman decision. In certain circumstances we may review how we examined a complaint. This review is carried out by a more senior official than the one who examined the complaint and one who has had no involvement in the original decision. A request for a review must be sent to us within one month of receiving our decision.

A request for a review must demonstrate at least one of the following:

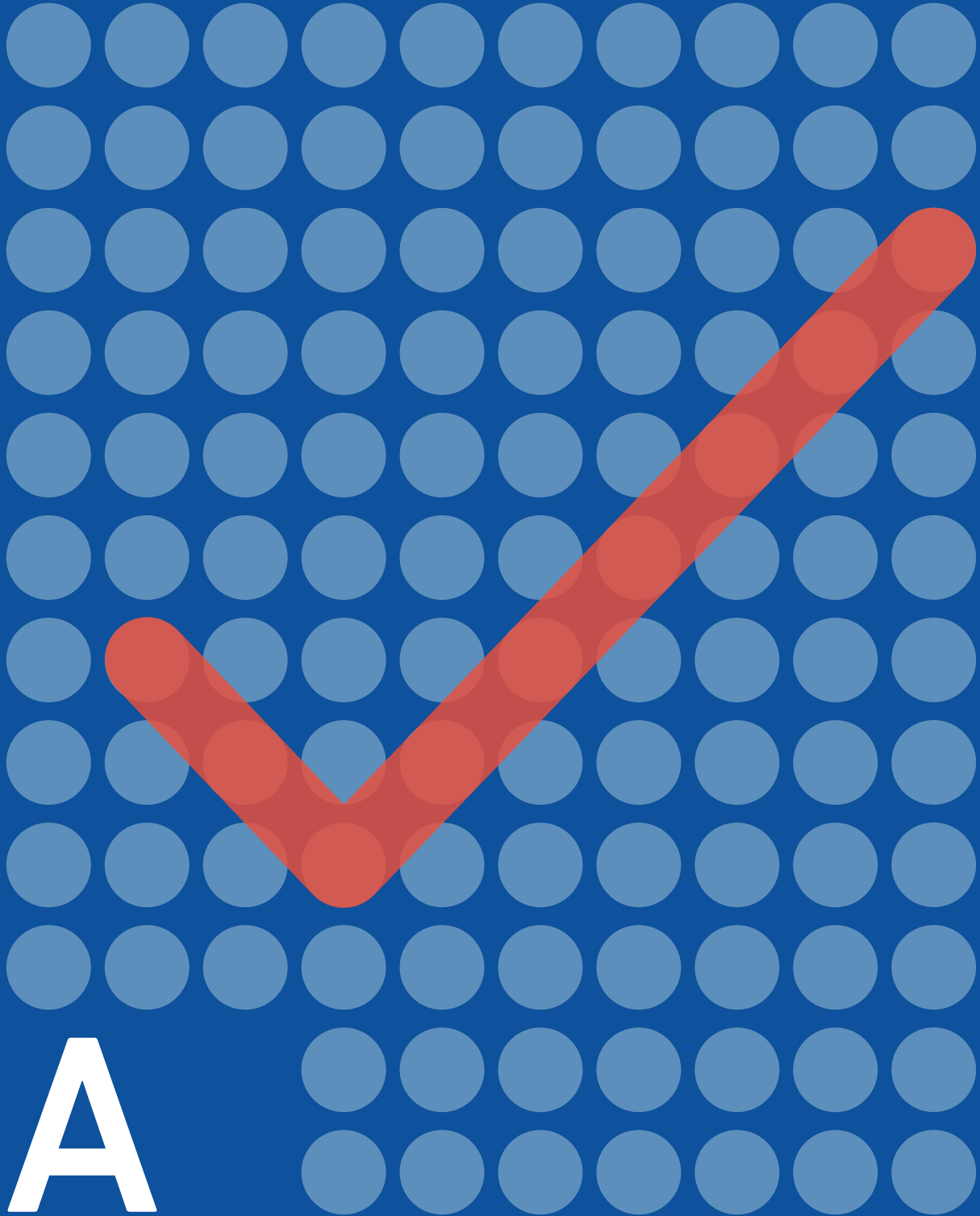
- that new relevant evidence/information has become available which might have had a bearing on the original decision on the complaint
- that there was a failure to examine a relevant and substantial issue
- that there was a failure to obtain relevant and necessary information from the public service provider being complained about
- that the complaint has been misunderstood or misinterpreted
- that the decision was incorrect or unreasonable in the context of the complaint made or the particular circumstances of the case.

In 2016 we received 158 requests for a review. This represents 5% of all cases we dealt with. We report on reviews internally and we use learning from reviews to improve the delivery of our service.



"You are most definitely the epitome, and pure essence of, Public Service, and if ever I have a need for the Ombudsman's Office to adjudicate, on a matter which I have brought to their attention, then I hope I am lucky enough to find that it is you, who will be handling my file."

-A Complainant



A

Annex A: Statistics

Annex A: Statistics

TABLE 1 - Totals

Complaints Carried Forward from 2015	691
Complaints Received in 2016 (service providers within jurisdiction)	3067
Complaints Completed in 2016	3110
Complaints carried forward to 2017	648
Enquiries 2016	1778
Complaints against bodies outside jurisdiction (for example banks, private companies) received in 2016	755

TABLE 2 - Complaints Received by Sector

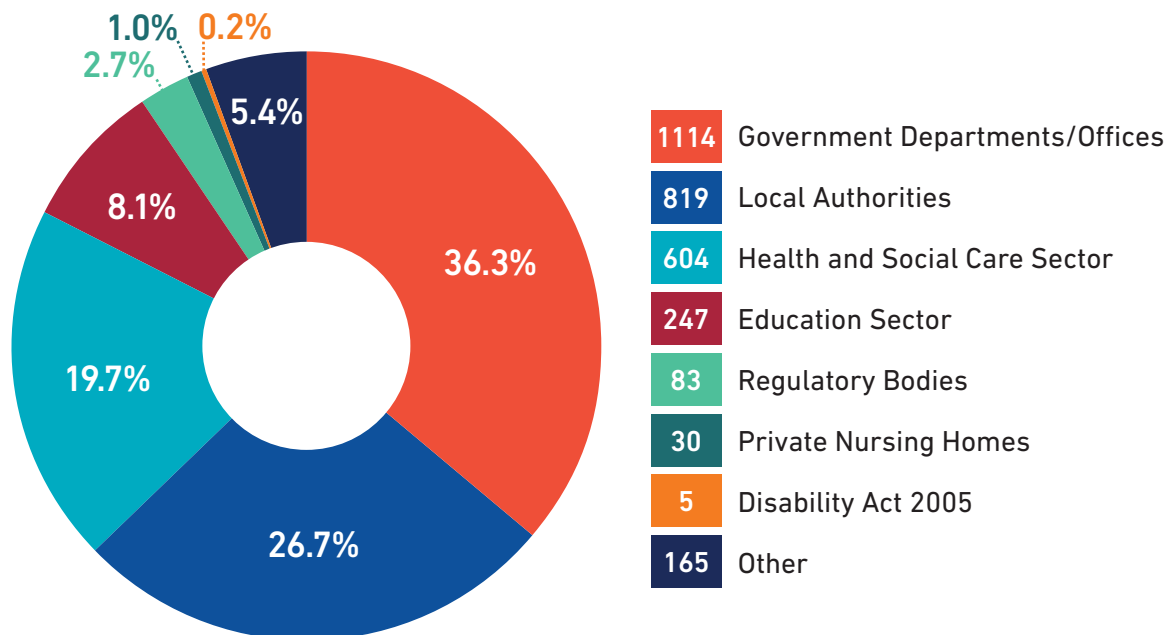


TABLE 3 - Complaints Completed by Outcome

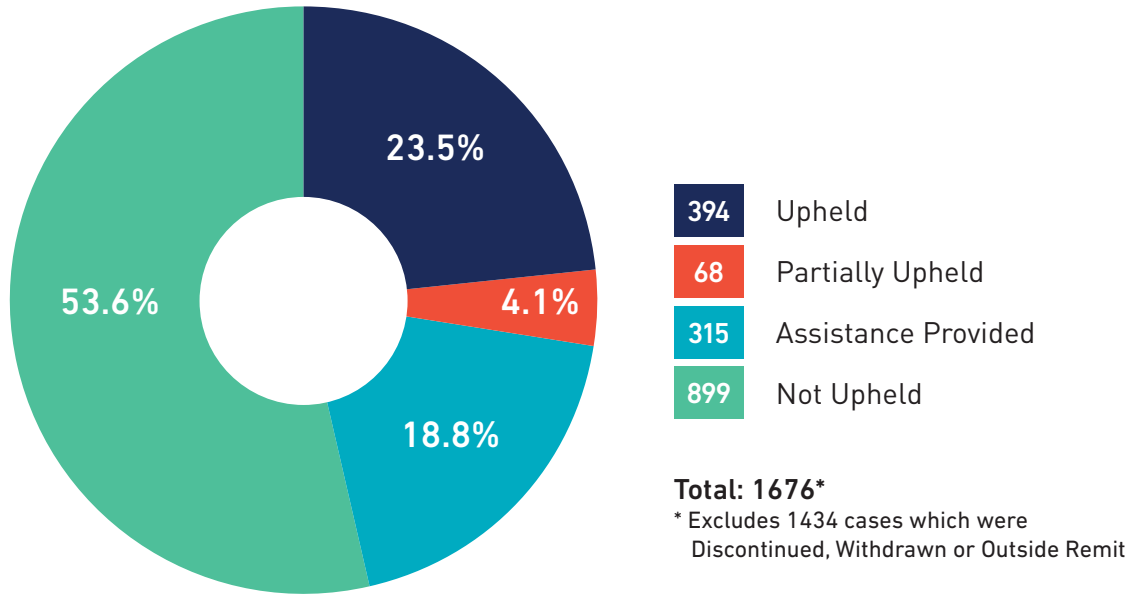


TABLE 4 - 10 Year Trend of Complaints Received

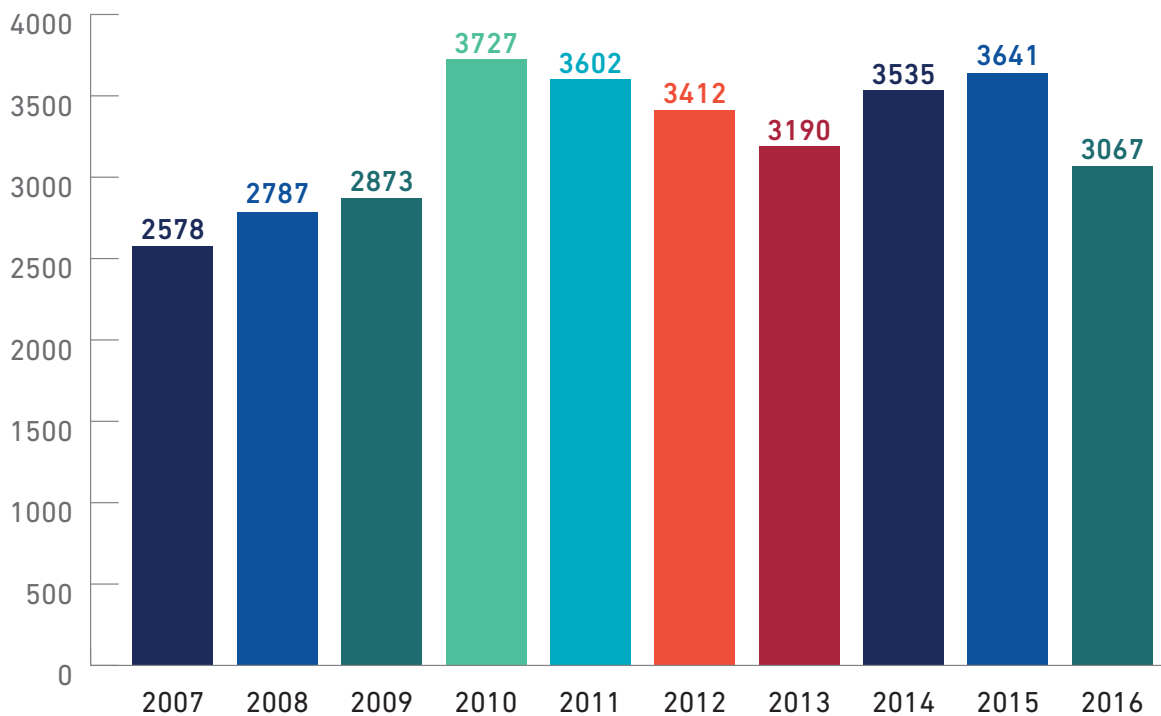


TABLE 5 - Complaints Received by County

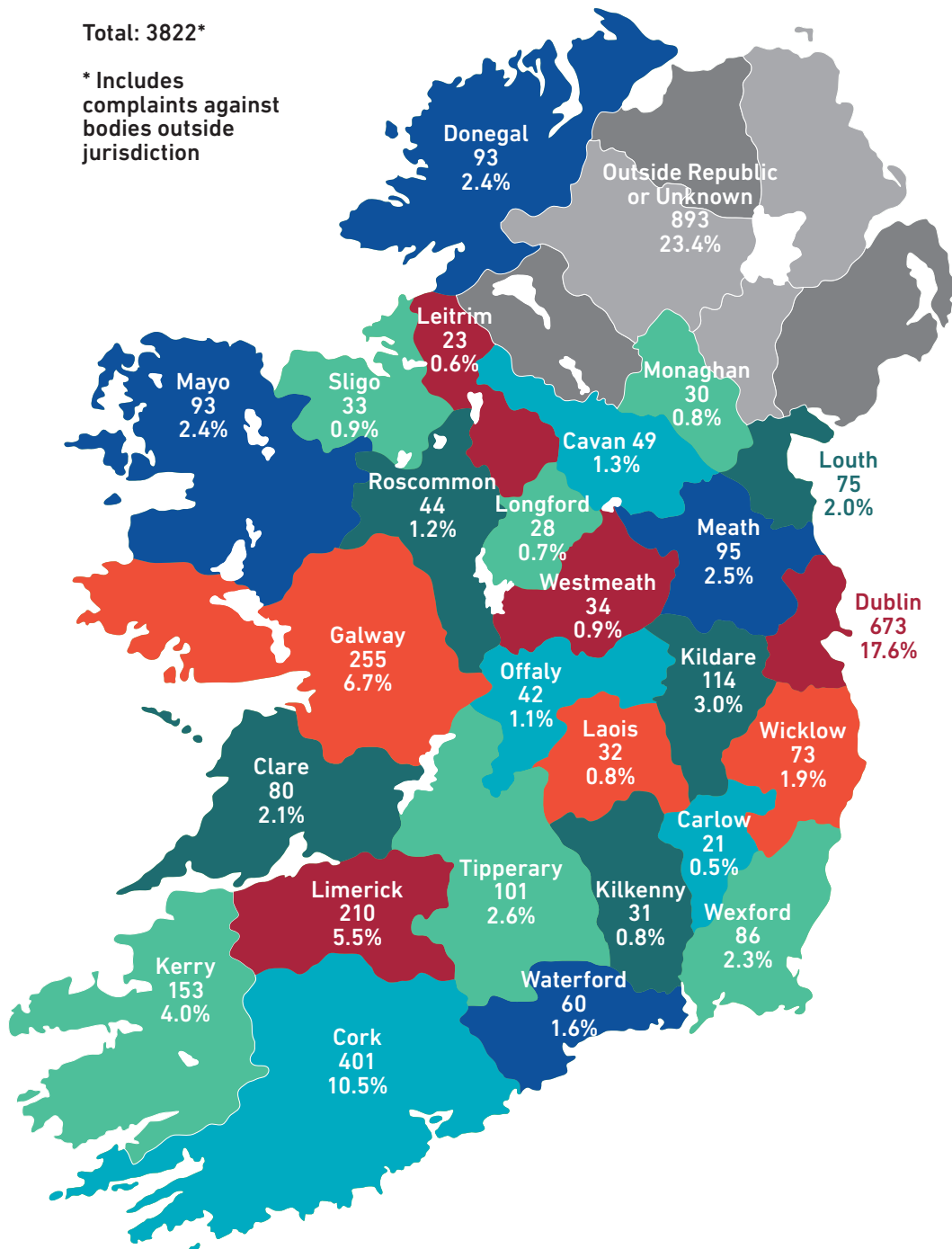


TABLE 6 - Government Departments/Offices – Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Social Protection	679	75	4	50	85	223	211	15	663
Agriculture, Food and the Marine	129	15	0	5	13	15	70	11	129
Revenue Commissioners	94	8	2	8	17	35	22	4	96
Justice and Equality	67	8	1	2	5	3	5	47	71
Foreign Affairs and Trade	31	4	0	5	6	11	3	2	31
Education and Skills	30	2	0	0	3	4	3	22	34
Housing, Planning, Community and Local Government	16	1	0	4	3	1	12	2	23
Property Registration Authority	14	1	0	0	2	4	7	2	16
Transport, Tourism and Sport	14	2	0	1	1	5	3	2	14
Arts, Heritage & the Gaeltacht	9	3	0	1	0	0	4	1	9
Finance	6	0	0	0	1	0	1	4	6
Office of Public Works	4	0	0	0	1	1	1	0	3
Health	4	1	0	1	0	0	0	2	4
Office of the Registrar General	4	0	0	2	1	1	0	0	4
Civil Service (Others)	13	3	0	1	2	0	5	6	17
Total	1114	123	7	80	140	303	347	120	1120

TABLE 6(a) - Department of Social Protection – Complaints Received in 2016

Unemployment Payments	128
Disability, Invalidity and Maternity Payments	92
Supplementary Welfare Allowance	91
Old Age & Retirement Pensions	86
Carer's Payments	57
PRSI	38
Back to Work / Education Schemes	37
Family Income Supplement	29
Miscellaneous (non-payments)	25
Widows and One Parent Family Payment	24
Fuel Allowance and Free Schemes	19
Child Benefit	16
Training/Employment Schemes	15
Redundancy Payments	9
Other Payments	7
Occupational Injury Benefit	6
Total	679

TABLE 6(b) - Office of the Revenue Commissioners Complaints Received in 2016

Income Tax	40
Local Property Tax	13
Value Added Tax	11
Miscellaneous	10
Customs & Excise	4
V.R.T	3
Capital Acquisitions Tax	3
Disabled Drivers and Disabled Passengers (Tax Concessions)	3
Capital Gains Tax	2
Stamp Duty	2
Vehicle/Property Seizure	2
Corporation Tax	1
Total	94

TABLE 6(c) - Department of Agriculture, Food and the Marine - Complaints Received in 2016

Single Farm Payment	31
Miscellaneous	30
Forest Premium Scheme	17
Agri-Environment Options Scheme (AEOS)	14
R.E.P. Scheme	10
Disadvantaged Areas Scheme	5
Sheep Technology Adoption Programme	5
Disease Erad. Scheme	4
Sea Fishing & Aquaculture Licensing	4
Basic Payment Scheme	3
Farm Development/Improvement Scheme	3
LPIS	2
Dairy Hygiene Scheme	1
Total	129

TABLE 7 - Local Authority – Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Carlow County Council	6	0	0	1	0	3	1	0	5
Cavan County Council	9	0	0	0	2	3	3	1	9
Clare County Council	24	5	1	3	3	3	12	1	28
Cork City Council	84	17	1	9	9	27	14	1	78
Cork County Council	49	9	1	11	5	12	20	1	59
Donegal County Council	27	1	1	6	6	5	9	0	28
Dublin City Council	82	10	2	9	13	22	20	0	76
Dún Laoghaire-Rathdown County Council	25	2	1	2	3	8	4	4	24
Fingal County Council	44	6	0	8	4	10	13	0	41
Galway City Council	38	6	0	6	2	15	7	0	36
Galway County Council	35	6	0	2	3	7	11	1	30
Kerry County Council	50	8	1	2	6	9	20	7	53
Kildare County Council	29	4	1	6	7	6	7	0	31
Kilkenny County Council	12	2	1	2	1	3	2	2	13
Laois County Council	12	0	0	0	2	2	8	1	13
Leitrim County Council	2	0	0	0	0	1	1	0	2
Limerick City & County	56	15	0	14	8	18	8	2	65
Longford County Council	5	0	0	2	0	3	0	2	7
Louth County Council	20	4	0	1	3	2	9	0	19
Mayo County Council	15	0	0	4	3	6	7	0	20
Meath County Council	28	2	1	3	6	10	8	1	31
Monaghan County Council	7	0	1	1	1	2	3	0	8
Offaly County Council	11	3	0	2	2	2	3	2	14
Roscommon County Council	10	4	1	2	2	1	1	1	12
Sligo County Council	8	0	1	1	1	2	2	1	8
South Dublin County Council	36	6	0	3	3	11	10	1	34
Tipperary County Council	21	4	0	1	3	4	5	0	17
Waterford City & County	19	1	1	7	1	5	4	0	19
Westmeath County Council	3	0	0	2	0	0	1	1	4
Wexford County Council	24	2	0	2	2	8	6	1	21
Wicklow County Council	28	4	2	2	4	6	16	2	36
Total	819	121	17	114	105	216	235	33	841

TABLE 7(a)- Local Authority - Complaints Received in 2016

Housing		364
<i>Allocations and Transfers</i>	165	
<i>Repairs</i>	91	
<i>Anti-Social Behaviour</i>	26	
<i>Housing General</i>	19	
<i>Loans and Grants</i>	18	
<i>Rents</i>	16	
<i>Sales</i>	11	
<i>Housing Assistance Payment (HAP)</i>	9	
<i>Housing Assessment</i>	5	
<i>Rent Assistance Scheme (RAS)</i>	4	
Planning		161
<i>Enforcement</i>	95	
<i>Administration</i>	66	
Roads/Traffic		74
Non Principal Private Residence		50
Other		46
Traffic/Parking Fines		26
Parks/Open Spaces		13
Pollution		12
Motor Tax & Driver Licence		11
Sewerage & Drainage		11
Estate Management		9
Housing Aid for the Elderly		8
Acquisition of land/rights		6
Burial Grounds		6
Waste Disposal		5
Derelict Sites		5
Environmental Health Services		5
Water Supply		4
Rates		3
Total		819

TABLE 8 - Health and Social Care Sector - Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Health Service Executive									
Medical & GP Card	68	12	2	7	11	15	22	3	72
Other	34	3	0	7	4	7	5	15	41
Nursing Home Support Scheme	23	2	0	2	1	2	12	0	19
Long Term Illness Card	12	4	0	0	0	1	2	0	7
Ambulance Service	6	0	0	1	1	1	0	1	4
Drugs Payment Scheme	3	0	0	1	0	0	2	0	3
Environmental Health Service	2	1	0	0	0	1	0	0	2
Health & Social Care									
Hospitals - General	232	31	23	40	23	57	51	25	250
Primary & Community Care	72	2	1	9	11	24	11	10	68
Other	25	2	0	0	4	7	3	6	22
Disability Services	24	4	0	3	5	4	2	3	21
Hospitals - Psychiatric	21	5	2	1	2	11	3	1	25
Social Work Services	9	3	0	0	3	2	2	0	10
Treatment Abroad Scheme	6	0	0	0	2	4	2	0	8
Cross Border Directive	6	2	0	2	0	1	1	0	6
Public Nursing Homes	4	2	1	2	0	1	0	1	7
Dental Services	3	0	0	0	0	2	1	1	4
TUSLA - Child & Family Agency									
	54	5	4	6	5	21	9	6	56
Total	604	78	33	81	72	161	128	72	625

TABLE 9 - Education Sector – Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
City of Dublin Education and Training Board	2	2	0	0	0	0	0	1	3
Cork Education and Training Board	3	1	0	0	1	1	0	0	3
Dublin City University	2	0	0	1	0	1	2	1	5
Dublin Institute of Technology	4	0	0	0	0	1	2	0	3
Dun Laoghaire Education and Training Board	1	0	0	0	1	0	0	0	1
Dún Laoghaire Institute of Art, Design and Technology	2	0	0	0	0	1	1	0	2
Dundalk Institute of Technology	1	0	1	1	0	0	0	0	2
Galway Roscommon Education and Training Board	1	0	0	0	0	0	0	1	1
HEAR/ DARE	21	1	0	3	5	1	14	1	25
Higher Education Authority	2	0	0	0	0	0	0	1	1
Institute of Technology Carlow	2	1	0	0	0	0	0	0	1
Institute of Technology Sligo	3	1	0	0	1	0	1	0	3
Institute of Technology Tallaght	2	0	0	0	1	0	0	0	1
Institute of Technology Tralee	2	0	0	0	0	0	1	1	2
Limerick & Clare Education and Training Board	1	0	0	0	0	0	0	1	1
Limerick Institute of Technology	4	0	0	0	1	1	0	0	2
Louth/Meath Education and Training Board	1	1	0	0	0	0	0	0	1

TABLE 9 - Education Sector – Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
National College of Art and Design	1	0	0	0	1	0	0	0	1
National College of Ireland	2	0	0	1	0	1	1	0	3
National Council for Special Education	1	0	0	0	1	0	0	0	1
National University of Ireland Galway	3	0	0	0	1	2	2	0	5
National University of Ireland Maynooth	2	0	0	0	0	2	0	0	2
Quality and Qualifications Ireland	2	0	0	0	0	1	0	0	1
Royal College of Surgeons in Ireland	1	0	0	0	0	1	0	0	1
State Examinations Commission	57	21	6	2	4	1	25	2	61
Student Universal Support Ireland (SUSI)	87	17	1	4	16	18	25	1	82
Trinity College Dublin	10	2	0	3	0	3	0	1	9
University College Cork	7	0	0	0	1	2	2	3	8
University College Dublin	7	1	0	0	0	2	2	0	5
University of Limerick	11	0	0	2	1	2	1	0	6
Waterford Institute of Technology	2	0	0	1	0	0	1	0	2
Other	0	1	1	0	0	0	2	0	4
Total	247	49	9	18	35	41	82	14	248

TABLE 10 - Regulatory Bodies

	Received	Completed								Total
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit		
Competition and Consumer Protection Commission	2	0	0	1	0	0	2	0	3	
CORU - Health and Social Care Professionals Council	4	1	0	0	0	1	1	1	4	
Dental Council (*CF)	1	0	0	0	0	0	0	1	1	
Health and Safety Authority (*CF)	2	0	0	0	1	1	0	0	2	
Health Information and Quality Authority (HIQA)	3	0	0	0	2	0	1	1	4	
Inland Fisheries Ireland	1	0	0	0	0	0	2	0	2	
Irish Human Rights and Equality Commission	1	0	0	1	0	0	0	0	1	
Law Society of Ireland	8	1	0	0	1	2	1	2	7	
Medical Council (*CF)	6	1	0	0	2	0	0	1	4	
National Standards Authority of Ireland	1	1	0	0	0	0	0	0	1	
National Transport Authority	7	1	0	0	2	2	1	0	6	
Nursing and Midwifery Board of Ireland	5	1	0	2	1	0	2	0	6	
Policing Authority	1	0	0	0	0	0	0	1	1	
Property Services Regulatory Authority (*CF)	5	0	0	0	1	1	0	1	3	
Road Safety Authority	30	3	0	3	6	9	10	1	32	
Royal Institute of Architects of Ireland	2	0	0	0	0	1	0	0	1	
Sea Fisheries Protection Authority	1	0	0	0	0	1	0	0	1	
Teaching Council	3	0	1	1	0	0	3	0	5	
Total	83	9	1	8	16	18	23	9	84	

* CF - Only certain functions of these providers are within the Ombudsman's jurisdiction

TABLE 11 - Other Public Service Providers – Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Bord Iascaigh Mhara	2	0	0	0	0	1	1	0	2
Caranua	15	2	0	2	0	5	4	0	13
Citizens Information Board	3	0	0	0	0	1	2	0	3
Clare County Enterprise Board	1	0	0	0	1	0	0	0	1
Cork City Local Enterprise Board	1	0	0	0	0	0	0	0	0
Courts Service (*CF)	9	1	0	1	0	0	0	6	8
Disabled Drivers Medical Board of Appeal	65	0	0	0	2	2	60	4	68
Enterprise Ireland	2	0	0	0	0	0	1	1	2
Irish Blood Transfusion Service	2	0	0	0	0	1	0	0	1
Legal Aid Board	18	3	0	3	2	3	5	2	18
Personal Injuries Assessment Board (*CF)	1	0	0	0	0	0	0	1	1
Pobal	4	1	0	0	0	1	1	1	4
Residential Tenancies Board (*CF)	21	2	0	1	3	0	3	12	21
Solas (previously known as FÁS)	5	0	0	1	2	2	0	0	5
Sustainable Energy Authority Ireland	6	1	0	1	1	0	0	1	4
Tax Appeals Commisisoners	2	0	0	1	0	0	0	0	1
Teagasc	2	0	0	0	1	0	0	0	1
Transport Infrastructure Ireland	5	0	0	1	1	2	1	0	5
Westmeath Local Enterprise Office	1	1	0	0	0	0	0	0	1
Other	0	0	0	0	0	0	2	0	2
Total	165	11	0	11	13	18	80	28	161

* CF - Only certain functions of these providers are within the Ombudsman's jurisdiction

TABLE 12 - Disability Act – Complaints Received and Completed in 2016

	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Complaints Handling (S.38 to S.39)	3	1	0	2	0	0	1	0	4
Access to Services (S.26)	2	0	0	0	0	1	1	0	2
Total	5	1	0	2	0	1	2	0	6

TABLE 13 - Private Nursing Homes – Complaints Received and Completed in 2016

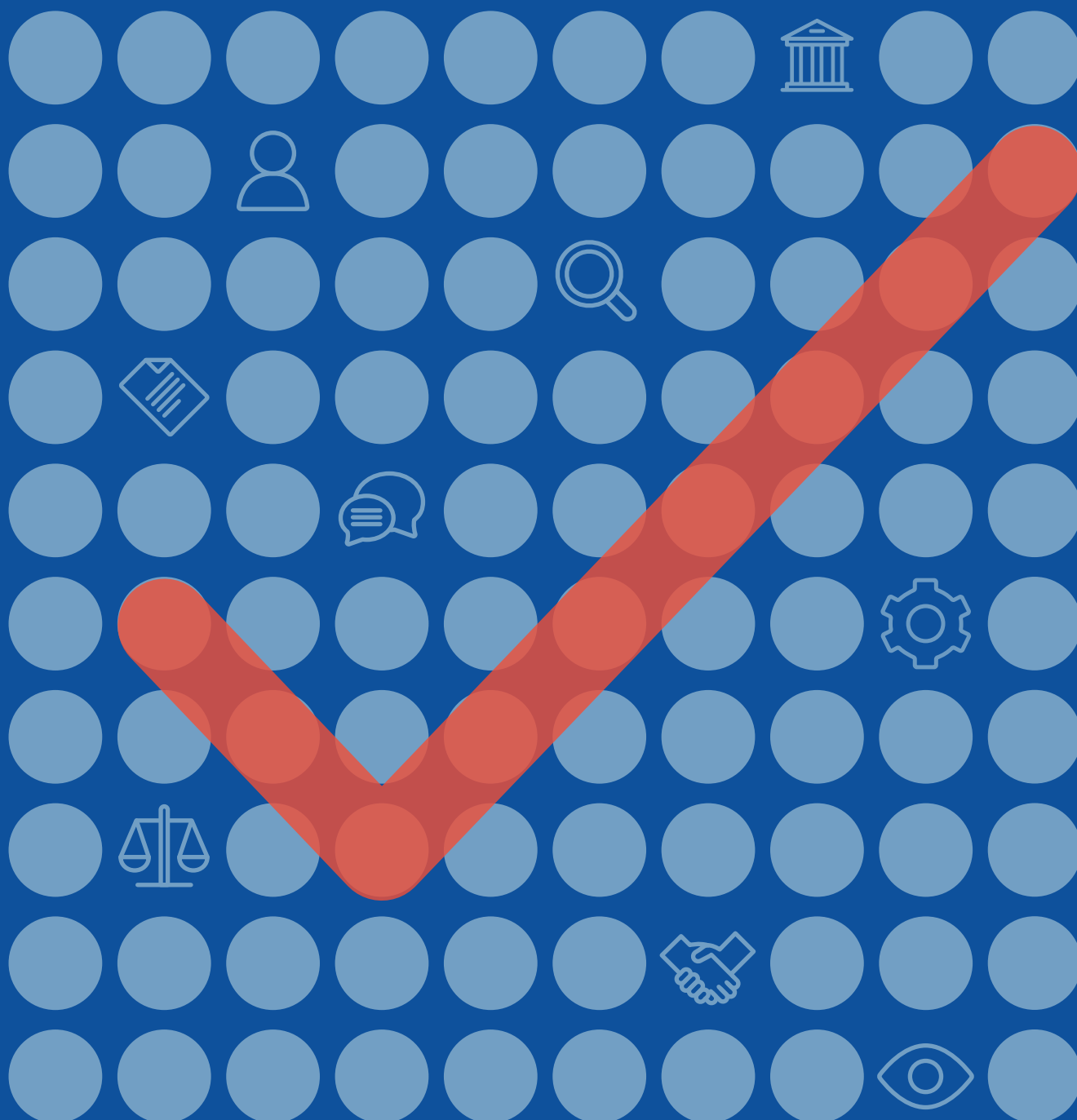
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued /Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Care and Treatment	13	0	0	1	2	6	0	1	10
Complaint Handling	4	0	1	0	1	1	1	0	4
Nursing Home Charges	1	0	0	0	0	1	0	0	1
Other	12	2	0	0	4	0	1	3	10
Total	30	2	1	1	7	8	2	4	25

Tuarascáil Bhliantúil 2016

Neamhspleách | Neamhchlaonta | Saor



Oifig an Ombudsman
Office of the Ombudsman



Rudaí a Chur ina gCeart

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Office of the Ombudsman

Tuarascáil Bhliantúil 2016

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Tuarascáil don Oireachtas

Cuirim leis seo Tuarascáil Bhliantúil Oifig an Ombudsman faoi bhráid na Dála agus an tSeanaid de bhun fhorálacha alt 6(7) den Acht Ombudsman, 1980 (arna leasú). Is í seo an 33ú Tuarascáil Bhliantúil a cuireadh isteach i ndáil le hobair Oifig an Ombudsman ó bunaíodh an Oifig sa bhliain 1984.

A handwritten signature in black ink, appearing to read 'Peter Tyndall'. The signature is stylized and cursive.

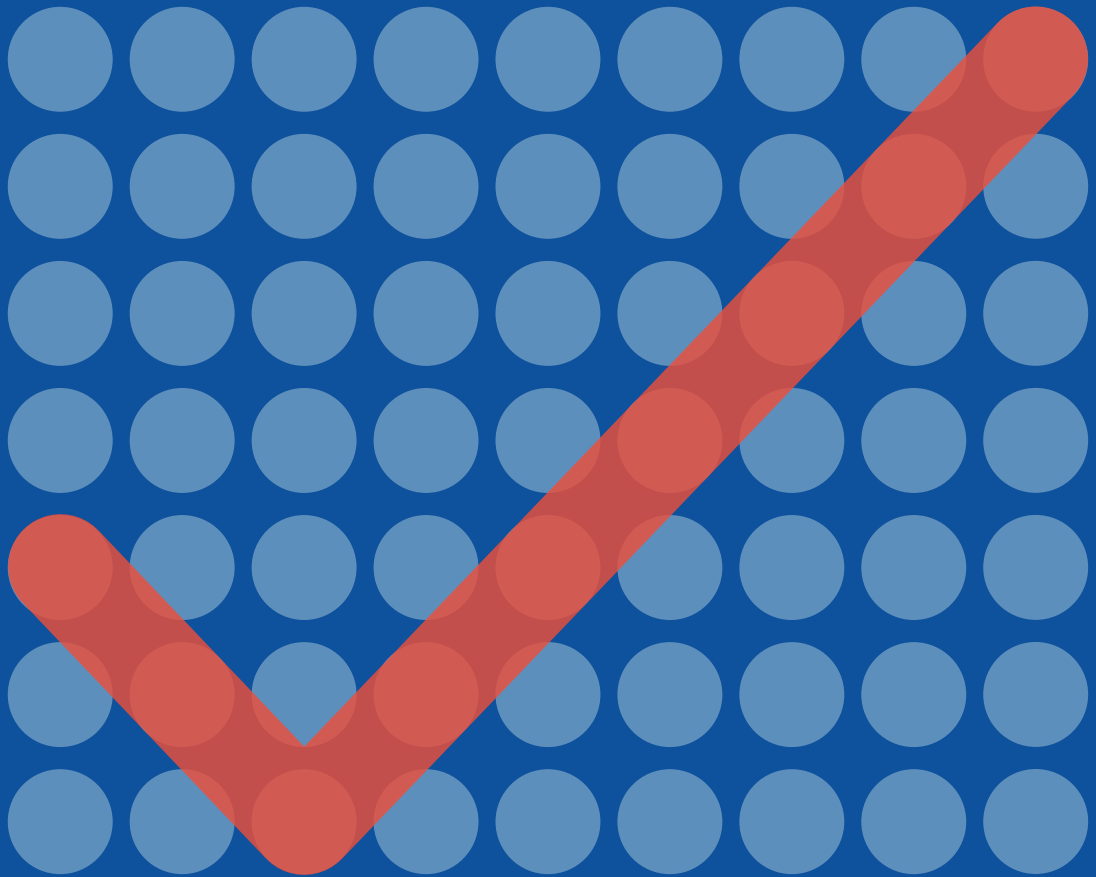
Peter Tyndall
An tOmbudsman

Meitheamh 2017



Ms Jacqui McCrum
Ard-Stiúrthóir

Deireadh Fómhair 2015 go dtí an lá inniu



01

Réamhrá ón Ombudsman -
Rudaí a Chur ina gCeart

Caibidil 1: Réamhrá ón Ombudsman - Rudaí a Chur ina gCeart

1.1 Réamhrá

Gné lárnach d'obair na hOifige seo is ea rudaí a chur ina gceart. Sa chéad ásc, baineann sé sin le daoine aonair a rinne gearán faoi sheirbhísí poiblí agus nach bhfuil sásta leis an bhfreagra a fuair siad. Amharcfaimid ar an ngearán agus, má fhaighimid amach go ndeachaigh rudaí amú, féachfaimid leis an scéal a chur ina cheart amhail nach mbeadh aon mhainneachtain ann. Má fhaighimid amach nach raibh aon mhainneachtain ann ar thaobh an tsoláthraí seirbhíse poiblí, féachfaimid le míniú níos fearr a fháil ar na heachtraí a chuir isteach ar an ngearánach.

Nuair a amharcaimid ar ghearáin ina bhfuil mainneachtain le sonrú, féachaimid freisin lena fháil amach cén fáth a ndeachaigh rudaí amú. Más mainneachtain aonuaire í an mhainneachtain atá i gceist, d'fhéadfadh nár ghá aon ghníomh a dhéanamh seachas sásamh a chur ar fáil don duine aonair. Is minic a bhíonn sé soiléir, áfach, go bhféadfadh eachtraí áirithe tarlú arís agus arís eile. D'fhéadfadh eachtraí den sórt sin teacht, mar shampla, as mainneachtain ar thaobh duine aonair nach bhfuair an oiliúint ná an tacaíocht a theastaigh uaidh. Sna cásanna sin, iarrfaimid ar an gcomhlacht lena mbaineann bearta a dhéanamh chun aghaidh a thabhairt ar na laigí sin. I gcásanna eile, d'fhéadfadh gur ghá athrú a dhéanamh ar phróisis nó ar nósanna imeachta mar gheall ar laigí atá orthu. Oibreoimid leis an gcomhlacht ansin chun a chinntiú go gcuirfear na hathruithe sin i bhfeidhm. Ar deireadh, beidh sé soiléir ó am go ham go mbíonn éagóir ag teacht de thaisme as an reachtaíocht lena rialaítear gníomhaíocht ar leith. Mar sin, díreoimid aird na Roinne iomchuí Rialtais ar an reachtaíocht sin agus iarrfaimid uirthi athruithe a dhéanamh uirthi.

Gné shuntasach den Tuarascáil Bhliantúil seo is ea an obair a dhéanann an Oifig seo chun rudaí a chur ina gceart. Tagraímid inti don obair a rinneamar le soláthraithe seirbhísí poiblí i gcásanna ina bhfuaireamar gearáin ina leith. Tagraímid freisin do chásanna ina ndearnadh feabhsuithe suntasacha ar sheirbhísí chun a chinntiú nach dtiocfadh torthaí éagothroma astu an athuair amach anseo.

Cabhraíonn na cásanna sin le béim a leagan ar ghné eile dár gcuid oibre. Is é sin go bhféachaimid le hábhair a réiteach ar bhealach neamhfhoirmiúil sa chéad ásc, seachas imscrúduithe foirmiúla a thionscnamh láithreach bonn. Is féidir obair i gcomhar le soláthraithe seirbhíse poiblí chun éagóracha aonair a réiteach agus chun a chinntiú nach dtarlóidh siad arís. Is modh an-éifeachtach é sin chun dea-thorthaí a bhaint amach do ghearánaigh agus do dhaoine eile a ndearnadh éagóir den chineál céanna orthu agus chun seirbhísí poiblí a fheabhsú do chách ag an am céanna. Faigheann an Oifig seo sárchomhar ó fhorhmór mór na soláthraithe seirbhíse poiblí agus ba mhaith liom buíochas a ghabháil leo as obair i gcomhar linn chun a gcuid seirbhísí a fheabhsú. D'fhéadfaí mórdheiseanna foghlama a chailleadh mar gheall ar an gcur chuige sin, áfach. Chun an méid sin a sheachaint, leanann an Oifig seo ar aghaidh le 'Cásleabhar an Ombudsman' a tháirgeadh gach ráithe, rud a úsáideann sí chun aird a tharraingt ar chásanna tábhachtacha. Tá an obair chun seirbhísí poiblí a fheabhsú ina gné lárnach dár bplean straitéiseach nua trí bliana freisin.

Táim ag iarraidh go ndéanfadh tuilleadh daoine gearán chuig an Oifig seo sa todhchaí. Chuige sin, thugamar faoi obair fhairsing for-rochtana le linn na bliana, agus clinicí gearán á reáchtáil againn go rialta i gCorcaigh, i nGaillimh agus i Luimneach. Reáchtálar roinnt imeachtaí aonuaire freisin. Thosaíomar ar chuairt a thabhairt ar Ionaid Soláthair Dhíreach le déanaí toisc go bhfuilimid ag déileáil le gearáin ó chónaitheoirí na n-ionad sin anois. Bhíothas ag tnúth leis an bhforbairt sin le fada agus tá áthas orm go bhfuil an dualgas sin faoinár gcúram anois. Táimid ag druidim isteach le deireadh clár forbartha TFC freisin, rud a fhágann go mbeidh sé níos éasca ná riamh gearán a dhéanamh ar líne. Tá sé sin ag teacht freisin leis an obair atá ar bun againn chun ár seirbhísí a dhéanamh níos éifeachtúla agus chun sársheirbhísí a thairiscint do ghearánaigh ag an am céanna.

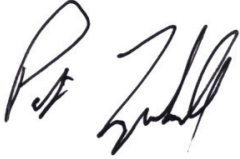
Ba mhaith liom aitheantas a thabhairt don tacaíocht a fuair mé le linn na bliana 2016 ó Tom Morgan agus ó Sean Garvey, Imscrúdaitheoirí Sinsearacha san Oifig. Ba mhaith liom buíochas a ghabháil leosan agus leis an bhfoireann ar fad in Oifig an Ombudsman as a ndícheall a dhéanamh go leanúnach chun déileáil leis na héilimh ar ár gcuid seirbhísí.

Gabhaim buíochas freisin le Orla Cafferky, le Liam Lyster, le Dave Nutley, le Paul Howe agus le Peter Mahony as an gcúnamh a thug siad maidir leis an Tuarascáil seo a chur le chéile, a chur in eagar agus a fhoilsiú.

Mar atá luaite agam cheana féin, tá an Oifig seo ag leanúint ar aghaidh ag forbairt agus ag fás. Dá bharr sin, táim buíoch as an tacaíocht a fhaightear ón bhfoireann um Theicneolaíocht Faisnéise agus Cumarsáide agus ón bhfoireann um Sheirbhísí Corparáideacha. Cuireann na foirne sin seirbhísí comhroinnte bunriachtanacha ar fáil chun freastal ar riachtanais forbartha leantacha na hOifige.

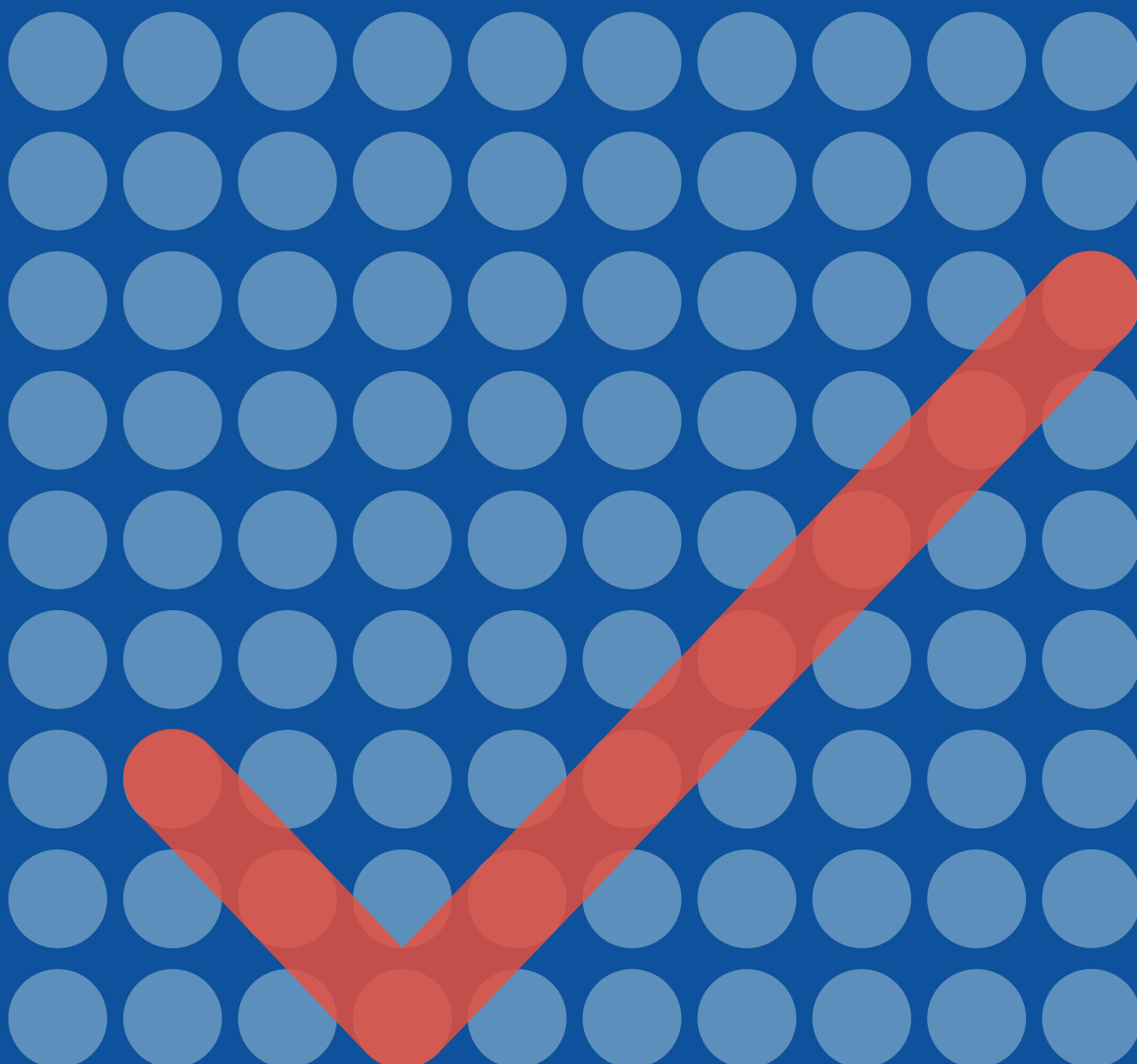
.....

Mar fhocal scoir, ba mhaith liom buíochas a ghabháil le Jacqui McCrum, Ard-Stiúrthóir na hOifige, as a tiomantas agus a tacaíocht le linn na bliana. Is cinnte gur bhain an Oifig fíorthairbhe as taithí fhairsing agus fuinneamh Jacqui sa chéad bhliain iomlán a chaith sí sa ról.



Peter Tyndall
Ombudsman

June 2017



02

Rudaí a Chur ina gCeart trí
Ghearáin agus trí Imscrúduithe

Caibidil 2: Rudaí a Chur ina gCeart trí Ghearáin agus trí Imscrúduithe

2.1 Ról an Ombudsman

Mar Ombudsman is é an príomhról atá agam imscrúdú a dhéanamh ar ghearáin ó dhaoine a mheasann nár thug soláthraithe áirithe seirbhíse poiblí cothrom na féinne dóibh, lena n-áirítear:

- ranna Rialtais
- údaráis áitiúla
- Feidhmeannacht na Seirbhíse Sláinte (FSS)
- ospidéal phoiblí
- institiúidí oideachais tríú leibhéal a chistítear go poiblí.
- tithe altranais.

Cuirtear seirbhísí na hOifige seo ar fáil saor in aisce. Déanaimid scrúdú ar ghearáin ar bhealach cóir, neamhspleách agus neamhchlaonta. Roimh ghearán a thabhairt chuig an Oifig seo, caithfidh an duine a raibh drochthionchar air iarracht a dhéanamh an gearán a réiteach leis an soláthraí seirbhíse lena mbaineann an gearán.

Agus gearáin á mbreithniú againn, measfaimid an ndearnadh an gníomh lena mbaineann an gearán, mar shampla, cinneadh nó teip gníomhú:

- gan údarás cuí
- ar fhoras neamhábhartha
- ar bhealach faillíoch nó míchúramach
- bunaithe ar eolas earráideach nó easpach
- ar bhealach a rinne leithcheal míchuí ar dhuine
- bunaithe ar dhroch-chleachtas riaracháin nó
- ar bhealach nár léirigh riarachán cóir ná fóna.

Dáiríre, is iondúil a réitítear an chuid is mó de ghearáin go neamhfhoirmiúil tar éis don oifig seo an gearán a chur in iúl don soláthraí seirbhíse poiblí lena mbaineann.

Má sheasaim le gearán, molfaidh mé an sásamh cuí. Chomh maith leis sin, féadfaidh mé moltaí arb é is aidhm dóibh an dóchúlacht go rachfar i bhfeidhm ar dhaoine eile ar an mbealach céanna sa todhchaí a laghdú.

Mar Ombudsman, is féidir liom gearáin a scrúdú faoin Acht um Míchumas 2005. Baineann na gearáin sin le rochtain ar fhaisnéis agus ar sheirbhísí ag daoine faoi mhíchumas. Tuairiscím ar ghearáin faoin Acht um Míchumas níos faide anonn sa Chaibidil seo.

Cheap an tUachtarán mé agus is don Oireachtas amháin a thuairiscím.

2.2 Gearáin a Fuarthas agus a Cuireadh i gCrích: Anailís

Sa bhliain 2016, fuair an Oifig seo 3,067 ngearán san iomlán faoi sholáthraithe seirbhíse poiblí a thagann faoi mo dhlínse. Dúnadh 79% de na cásanna sin laistigh de thréimhse 3 mhí agus dúnadh 96% díobh laistigh de thréimhse 12 mhí.

Bíonn an Oifig seo ag féachaint i gcónaí le feabhas a chur ar a seirbhísí agus ar a nósanna imeachta. Go háirithe, is thar an teileafón atáimid ag déanamh sciar níos mó dár gcuid oibre anois le gearánaigh agus le soláthraithe seirbhíse araon a thagann faoinár sainchúram, rud a luathaíonn ár gcuid cumarsáide. Chomh maith leis sin, cheapamar saineolaithe earnála i réimsí amhail sláinte chun cabhrú le luath-idirghabháil a chur ar fáil ar mhaithe le cásanna a réiteach nó le iad a leithdháileadh ar bhealach níos tapa agus níos cuí.

Maidir leis an 1,676 chás a tháinig faoi mo dhlínse agus a ndearnadh scrúdú substainteach orthu, seasadh go hiomlán le 23% díobh; seasadh go páirteach le 4% díobh; cuireadh cúnaimh ar fáil i 19% díobh; agus níor seasadh le 54% díobh. Tríd is tríd, tharla sé i 46% de chásanna gur bhain daoine den phobal tairbhe dhíreach as dul i dteagmháil leis an Oifig seo. Fiú amháin sna cásanna sin nach seastar le gearáin iontu, is minic a bhíimid in ann míniú a chur ar fáil nó gearánaigh a chur ar a suaimhneas ina leith.

Bhí 1,434 ghearán eile ann ar scoireadh díobh, a tarraingíodh siar nó nár tháinig faoi shainchúram na hOifige. I bhformhór na gcásanna sin, ní dhearna an gearánach bearta go fóill chun an gearán a réiteach leis an soláthraí seirbhíse poiblí. Mar sin, molaimid don ghearánach dul i dteagmháil leis an tseirbhís lena mbaineann agus teagmháil a dhéanamh linn an athuair murar thángthas ar réiteach ar an gcás. Mura dtagann gearán faoinár sainchúram, déanaimid iarracht sonraí teagmhála a chur ar fáil don chomhlacht cuí ar féidir leis an gearán sin a bhreithniú.

Ba í an earnáil Ranna/Oifigí Rialtais an fhoinsé is mó gearán (lenar bhain 36.3% de na gearáin a fuarthas, i gcomparáid le 38.4% sa bhliain 2015). Ba iad na príomhfhoinsí is mó gearán ina dhiaidh sin ná Údaráis Áitiúla (lenar bhain 26.7% de ghearáin, i gcomparáid le 27.6% sa bhliain 2015) agus an Earnáil Cúram Sláinte agus Cúraim Shóisialta (lenar bhain 19.7% de ghearáin, i gcomparáid le 17% sa bhliain 2015). (Tagann sé sin den chuid is mó leis an líon idirghníomhaíochtaí a bhíonn ag na comhlachtaí sin le húsáideoirí seirbhíse).

Maidir leis an 1,114 ghearán a rinneadh in aghaidh Ranna/Oifigí Rialtais, rinneadh 679 gcinn in aghaidh na Roinne Coimirce Sóisialaí; rinneadh 129 gcinn in aghaidh na Roinne Talmhaíochta, Bia agus Mara; rinneadh 94 cinn in aghaidh na gCoimisinéirí Ioncaim; agus rinneadh 67 gcinn in aghaidh na Roinne Dlí agus Cirt agus Comhionannais.

Maidir leis an 819 ngearán a rinneadh in aghaidh Údaráis Áitiúla, rinneadh 84 cinn in aghaidh Chomhairle Cathrach Chorcaí; rinneadh 82 cheann in aghaidh Chomhairle Cathrach Bhaile Átha Cliath; rinneadh 56 cinn in aghaidh Chomhairle Cathrach agus Contae Luimnigh; rinneadh 50 ceann in aghaidh Chomhairle Contae Chiarraí; agus rinneadh 49 gcinn in aghaidh Chomhairle Contae Chorcaí. Ba é sin an chéad uair riamh inarbh airde an líon gearán a fuarthas in aghaidh Chomhairle Cathrach Chorcaí ná an líon a fuarthas in aghaidh Chomhairle Cathrach Bhaile Átha Cliath. Beimid ag obair le Comhairle Cathrach Chorcaí chun teacht ar na cúiseanna leis an ardlíon gearán sin agus chun a iniúchadh cén dóigh a bhféadfaí é a laghdú.

Ba in aghaidh ospidéal a bhí 232 cheann de na 604 ghearán a rinneadh in aghaidh na hEarnála Cúram Sláinte agus Cúraim Shóisialta. Bhain 72 ghearán le Cúram Príomhúil agus Pobail agus bhain 68 gcinn le cártaí liachta nó le cártaí liachleachtóirí ginearálta. Fuarthas 54 ghearán in aghaidh Tusla.

Fuarthas 83 ghearán san iomlán in aghaidh Comhlachtaí Rialála; fuarthas 247 ngearán in aghaidh comhlachtaí oideachais amhail ollscoileanna agus institiúidí teicneolaíochta (lena n-áirítear 87 gcinn in aghaidh Thacaíocht Chomhchoiteann do Mhic Léinn in Éirinn [SUSI]) agus fuarthas 57 ngearán in aghaidh Choimisiún na Scrúduithe Stáit (SEC); agus fuarthas 165 ghearán in aghaidh soláthraithe eile seirbhíse poiblí a tháinig faoi mo dháil den chéad uair riamh i mí na Bealtaine 2013. Chuir an Oifig seo 25 cheann den 30 ghearán a fuarthas in aghaidh tithe altranais príobháideacha i gcrích le linn na bliana 2016. Ba é sin an chéad bhliain iomlán ina raibh siad faoi réir scrúdú. Maidir leis na 25 ghearán a cuireadh i gcrích, bhí 4 cinn díobh lasmuigh de shainchúram na hOifige seo agus níorbh fhéidir linn iad a scrúdú dá bharr sin; rinneadh 8 gcinn roimh am; tarraingíodh 7 gcinn siar; níor seasadh le 2 cheann; seasadh le 2 cheann; agus seasadh go páirteach le 2 cheann nó cuireadh cúnamh ar fáil ina leith.



“Táimid an-tógtha leis an dóigh chineálta, mheasúil agus neamhspleách ar dhéileáil tú leis an ábhar agus is mór againn í. Ba mhaith linn buíochas a ghabháil leat agus le d’oifig as an méid sin”

-Gearánach

Gearáin a Fuarthas de réir Earnála in 2016

An Státseirbhís	1114	36.3%
Údaráis Áitiúla	819	26.7%
An Earnáil Cúram Sláinte agus Cúraim Shóisialta	604	19.7%
An Earnáil Oideachais	247	8.1%
Comhlachtaí Rialála	83	2.7%
Tithe Altranais Príobháideacha	30	1.0%
An tAcht um Míchumas 2005	5	0.2%
Eile	165	5.4%
Iomlán	3067	100.0%

2.3 Rudaí a Chur ina gCeart trí Ghearáin faoin Acht um Míchumas

Cuirtear leis an Acht um Míchumas 2005 oibleagáidí suntasacha ar Ranna Rialtais agus ar sholáthraithe eile seirbhíse poiblí obair go réamhghníomhach ar mhaithe le cáilíocht beatha a fheabhsú do dhaoine faoi mhíchumas. Féadfar gearán a dhéanamh chuig an Ombudsman i ndáil le mainneachtain soláthraí seirbhíse poiblí cloí le Cuid 3 den Acht um Míchumas. Go sonrach, féadfaidh an tOmbudsman imscrúdú a dhéanamh ar ghearáin ó dhaoine faoi mhíchumas faoi rochtain ar fhoirgnimh poiblí, ar sheirbhísí agus ar fhaisnéis.

Mar a thuairiscigh mé i mblianta roimhe seo, is cúis díomá é an líon íseal gearán a fhaightear maidir le Cuid 3 den Acht um Míchumas (fuarthas 5 cinn sa bhliain 2016). Tá sé ríthábhachtach go gcuirfear daoine faoi mhíchumas ar an eolas faoi na cearta atá acu chun rochtain a fháil ar sheirbhísí agus ar fhaisnéis agus go mbeidh siad eolach ar an gceart atá acu chun dul ar m'iontaoibh mar Ombudsman chun iniúchadh a dhéanamh ar a ngearáin neamhréitithe. Tá sé thar a bheith tábhachtach freisin go mbeidh idir ghairmithe agus daoine nach gairmithe iad araon a bhíonn ag déileáil leis an earnáil míchumais eolach ar an Acht um Míchumas 2005.

Tá sé tábhachtach a thabhairt faoi deara, áfach, gur ar an ngnáthbhealach a dhéantar a lán gearán chuig an Oifig seo faoi sheirbhísí do dhaoine faoi mhíchumas, mar shampla, gearáin faoin Deontas Oiriúnaithe Tithíochta do Dhaoine faoi Mhíchumas nó faoi scéim DARE (Bealach Rochtana ar Oideachas do Dhaoine faoi Mhíchumas).

Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
Láimhseáil Gearán (alt 38 go halt 39)	3	1	0	2	0	0	1	0	4
Rochtain ar Sheirbhísí (alt 26)	2	0	0	0	0	1	1	0	2
Iomlán	5	1	0	2	0	1	2	0	6

2.4 Fógraí Alt 7 - Mainneachtain Comhoibriú leis an Ombudsman

Le halt 7 den Acht Ombudsman, 1980 (arna leasú), tugtar cumhachtaí an-suntasach don Ombudsman i ndáil le doiciméid agus le faisnéis a fháil atá riachtanach chun scrúdú nó imscrúdú a dhéanamh ar ghearáin. Faoin Acht, cuirtear oibleagáid dhlíthiúil ar “aon phearsa a bhfuil, i dtuairim an Ombudsman, eolas ina sheilbh aige, nó a bhfuil doiciméad nó ní faoina chumhacht nó faoina rialú, a bhaineann leis an scrúdú nó leis an imscrúdú an t-eolas” an t-ábhar sin a thabhairt don Ombudsman.

I mbeagnach gach cás, cuirfeadh an fhaisnéis a theastaíonn uaim ar fáil don Oifig seo gan aon ghá le fógra alt 7 a eisiúint. Baintear úsáid as an Tuarascáil Bhliantúil uaim chun faisnéis a fhoilsiú faoin líon cásanna inar eisigh mé fógra alt 7.

B'éigean don Oifig seo dhá cheann d'fhógraí alt 7 a eisiúint le linn na bliana 2016:

- Bhain fógra amháin le faisnéis a d'iarr mé ón mBord Achomhairc um Sheirbhísí Maoine, arbh fhaisnéis í a dhiúltaigh an Bord a chur ar fáil dom. Ar an drochuair, ba ghá dom imeachtaí a thionscnamh sa Chúirt Chuarda chun ordú a fháil lena gceanglófaí ar an mBord cloí leis an iarraidh uaim.
- Bhain an fógra eile le gearán faoi St. Margaret's Centre Sisters of Charity, ar teach altranaís deonach é. Thángthas ar réiteach sásúil ar an ngearán ina dhiaidh sin.

2.5 Rudaí a Chur ina gCeart trí dhéileáil le fadhbanna sistéamacha

Is é atá i gceist le cuid mhór d'obair na hOifige seo ná scrúdú a dhéanamh ar ghearáin aonair faoi sheirbhísí poiblí agus, nuair a thagaimid ar locht, an méid sin a chur ina cheart don duine aonair lena mbaineann. Má tharlaíonn sé, áfach, go dtagann mórfhadhbanna sistéamacha chun solais le linn gearán aonair a bhreithniú, oibreoidh mé leis an soláthraí seirbhíse chun an fhadhb a réiteach agus, ar an mbealach sin, chun tairbhe a dhéanamh d'úsáideoirí na seirbhíse amach anseo. Tá forbhreathnú thíos ar an obair a rinneadh ina leith sin sa bhliain 2016.

Coimisiún na Scrúduithe Stáit: Gearáin faoi iarrataí ar chúnamh ar diúltaíodh dóibh le haghaidh scrúduithe Ardteistiméireachta

Chun a chinntiú nach bhfulaingeoídh daltaí faoi mhíchumas míbhuntáiste sa phróiseas iomaíoch, riarann Coimisiún na Scrúduithe Stáit rud ar a dtugtar an Scéim um Fhreastal Réasúnta i Scrúduithe Stáit (RACE). Tá sé mar aidhm leis an Scéim freastal réasúnta a chur ar fáil do dhaltaí le linn scrúduithe deimhnithe. Tá na nithe seo a leanas i measc na gcineálacha freastail a bhféadfadh daltaí incháilithe cáiliú dóibh: scríobhaí a scríobhfaidh freagraí an dalta amach; léitheoir a léifidh scrúdpháipéir amach don dalta; agus ionad scrúdaithe ar leith inar féidir le daltaí sosanna a thógáil gan cur isteach ar dhaltaí eile.

Is le daltaí a bhfuil deacrachtaí foghlama sonracha acu a bhaineann formhór na ngearán a fhaighim. Dar lena lán gearánach, níor cuireadh iad ar an eolas faoi na cúiseanna leis an diúltú. Dar le gearánaigh eile, níor tugadh fógra dóibh faoin toradh ar a n-achomharc ach amháin sa mhí ina raibh na scrúduithe le tosú, agus an fógra sin á fháil sa tseachtain roimh an gcéad scrúdú i gcásanna áirithe. An rud is mó a chuir isteach ar dhaltaí ná gur tugadh cineálacha freastail don chuid is mó dóibh le linn scrúduithe an Teastais Shóisearaigh. Dá bhrí sin, bhí siad ag súil leis go bhfaighidís iad an athuir le linn na hArdteistiméireachta.

Sa bhliain 2016, fuair mé 52 ghearán san iomlán faoi scéim RACE. Ba i mí na Bealtaine a fuarthas formhór na ngearán. D'fhág sé sin nach raibh an oiread sin ama ag daltaí chun iad féin a ullmhú do na scrúduithe a dhéanamh leis an bhfreastal nó gan an freastal a bhí á lorg acu. Is ó thuismitheoirí a fhaightear beagnach gach gearán ina leith seo. Sna gearáin a fuarthas, léiríodh gur chuir an cheist maidir le freastal an-strus ar dhaltaí sa mhí roimh na scrúduithe Ardteistiméireachta. Toisc go raibh na gearáin sin íogair ó thaobh ama de, chuir mé mearphróiseas scrúdaithe gearán i bhfeidhm i gcomhar le Coimisiún na Scrúduithe Stáit. Cuireadh formhór na ngearán i gcrích laistigh de chúpla lá. Seasadh le 21 cheann dóibh.

Táim ag obair go rialta le Coimisiún na Scrúduithe Stáit le dhá bhliain anuas, agus mé ag sainaithint fadhbanna sistéamacha atá ag teacht chun cinn le linn scrúdú a dhéanamh ar chásanna.

D'fhreagair an Coimisiún go dearfach don obair sin trí na nithe seo a leanas a dhéanamh:

- i. bearta a chur i gcrích chun simpliú a dhéanamh ar an bpróiseas um iarratais RACE a bhreithniú agus chun dlús a chur leis an bpróiseas sin
- ii. córas a thabhairt isteach chun a chinntiú go dtuigfidh daltaí go hiomlán cén fáth ar diúltaíodh don iarratas uathu, agus
- iii. a aontú go gceadófar do na daltaí sin ar bronnadh cineálacha freastail orthu faoi scéim RACE do scrúduithe an Teastais Shóisearaigh na cineálacha freastail sin a choinneáil dá scrúduithe Ardteistiméireachta.

Dá bhrí sin, táim ag súil go mbeidh laghdú ann ar an líon gearán a gheofar ina leith seo amach anseo.

Feabhsuithe nós imeachta ar scéimeanna oideachais DARE (Bealach Rochtana ar Oideachas do Dhaoine faoi Mhíchumas) agus HEAR (Bealach Rochtana ar Ardoideachas)

Is féidir le míbhuntáiste eacnamaíoch fadtéarmach agus le míchumas tionchar diúltach a imirt ar cé chomh maith is a éireoidh le duine ar scoil agus ar cé acu a bheidh nó nach mbeidh sé in ann dul ar aghaidh go hoideachas tríú leibhéal. Tá scéimeanna DARE agus HEAR ina dtionscnaimh atá ar bun ag roinnt coláistí agus ollscoileanna. Tá na scéimeanna ceaptha chun deis a thairiscint do líon beag mac léinn rochtain a fháil ar oideachas tríú leibhéal ar phointí laghdaithe ón Lár-Oifig Iontrála (CAO). Is é Cumann Ollscoileanna Éireann a riarann scéimeanna DARE agus HEAR thar ceann na 15 cinn d'ollscoileanna agus de choláistí rannpháirteacha ar fud na tíre.

Sa bhliain 2016, fuair mé 21 ghearán ó mhic léinn a rinne iarratas ar scéim DARE nó ar scéim HEAR. Tá caidreamh an-mhaith ann idir an Oifig seo agus riarthóirí scéimeanna DARE agus HEAR, rud a chumasaíonn dom teacht ar réiteach ar na gearáin a fhaighim. Sa chás seo, tharraing mé aird na riarthóirí ar roinnt laigí sistéamacha sa phróiseas iarratais. Adhmaíodh na laigí sin agus tá áthas orm a rá go ndearnadh feabhsuithe ar an scéim dá bharr sin. Áirítear iad seo a leanas leis na laigí sin:

- Rinne roinnt mac léinn gearán liom go raibh sé deacair an fhoirm ar líne a chomhlánú agus gur dícháilíodh iad ó na scéimeanna dá bharr sin. Tharraing mé na fadhbanna sin anuas le Cumann Ollscoileanna Éireann agus tá áthas orm a rá gur leasáíodh an fhoirm ar líne chun laghdú a dhéanamh ar an mbaol go ndéanfaí earráidí le linn í a chomhlánú as seo amach.
- Tá míniú mionsonraithe á thabhairt anois d'iarthóirí ar diúltaíodh dá n-iarratas.
- Má tharlaíonn sé go bhfuil earráid san iarratas bunaidh ina cúis le diúltú éagothrom, tá deis á thabhairt d'iarthóirí anois sonraí áirithe iarratais a cheartú ag céim an achomhairc.

Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI): Diúltú do Chistiú agus Éilimh ar Aisíoc Cistithe

Sa bhliain 2016, fuair mé 87 ngearán ó mhic léinn i ndáil le hiarratais ar dheontas a rinneadh chuig Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI) le haghaidh cúrsaí breisoideachais agus ardoideachais. Ba le diúltú do chistiú a bhain formhór na ngearán. I líon beag cásanna eile, áfach, d'iarr SUSI go n-aisíocfaí deontais tar éis dó a fháil amach nach raibh an ceart aige cistiú a dheonú.

Sna cásanna inar 'ró-íocadh' deontais, b'amhlaidh gur chomhlánaigh na mic léinn a n-iarratas i gceart agus gur chuir siad a gcúinsí in iúl go hiomlán do SUSI. Tar éis dom na cásanna a scrúdú, bhí sé soiléir go ndearnadh na ró-íocaíochtaí mar gheall ar earráidí a rinne SUSI é féin. I gcásanna áirithe, iarradh aisíoc na ndeontas 2 bhliain/3 bliana tar éis an cistiú a bhronnadh nó tar éis do mhic léinn an cistiú a úsáid chun speansais chóiríochta agus táillí a íoc le coláistí. Mar sin, bhí mé den tuairim go raibh sé éagothrom a bheith ag súil leis go n-aisíocfadh na mic léinn an cistiú sin. Bhuail mé le SUSI agus leis an Roinn Oideachais agus Scileanna chun na cásanna sin a phlé. Tá áthas orm a rá gur chinn an Roinn agus SUSI gan aisíoc an chistithe a lorg mar thoradh ar an bplé sin.

Agus scrúdú á dhéanamh againn ar roinnt gearán eile, tháinig aimhrialtachtaí chun solais sna coinníollacha is gá a chomhlíonadh chun cáiliú do chistiú faoi scéim SUSI.

- Mar shampla, déantar tástáil acmhainne ar dhaoine i dtaca leis an 'ráta speisialta deontais chothabhála' is iníoctha ag SUSI. Ní mór d'iarratasóirí nó dá dtuismitheoirí bheith ag fáil íocaíochtaí áirithe (íocaíochtaí leasa shóisialaigh, den chuid is mó) mar chuid dá n-acmhainn tráth a dhéantar an tástáil sin. Tá na híocaíochtaí sin liostaithe sa Scéim Deontas Mac Léinn. Measadh íocaíocht leasa shóisialaigh a raibh 'aosach cleithiúnach' i gceist léi a bheith ina híocaíocht incháilithe i gcás gur tuismitheoirí fola an mhic léinn a bhí i bhfaighteoir na híocaíochta agus san aosach cleithiúnach araon. Ní raibh an íocaíocht sin ina híocaíocht incháilithe, áfach, i gcás go raibh páirtneír/céile nua ag an tuismitheoir fola agus go raibh an íocaíocht leasa shóisialaigh á fáil ag an bpáirtneír nua sin. Tharraingíomar aird ar an aimhrialtacht ansin. Tá íocaíocht an aosach chleithiúnaigh ar áireamh mar 'íocaíocht incháilithe' i gcásanna den sórt sin anois.
- Mar an gcéanna, leasaíodh an Scéim Deontas Mac Léinn ionas go measfaí faighteoirí an Fhorlónaidh Ioncaim Teaghlaigh a bheith ina sealbhóirí íocaíochta incháilithe, is cuma cé acu atá an faighteoir lena mbaineann ar an bpríomhshaothraí sa teaghlach nó ar an aosach cleithiúnach.
- Tá mic léinn nach bhfuil saoránacht Éireannach acu ina mic léinn incháilithe anois, ar an gcoinníoll gur rugadh iad do dhaoine nach raibh ina saoránaigh d'AE agus go bhfuil saoránacht Éireannach faighte ag na daoine sin ó shin i leith.
- Maidir le 'mic léinn dara seans' a d'fhreastail ar bhunchúrsa iar-ardteistiméireachta (leibhéal 5 den Chreat Náisiúnta Cáilíochtaí), ní raibh siad incháilithe roimhe seo do chistiú SUSI sa chéad bhliain do chúrsa leibhéal 5 toisc nár measadh go raibh siad 'ag dul ar aghaidh san oideachas'. Meastar mic léinn den sórt sin a bheith ina mic léinn

incháilithe anois ar an gcoinníoll go gcomhlíonann siad gach ceann de na coinníollacha cáilitheacha eile.

Ba mhaith liom aitheantas a thabhairt don chomhar a fuarthas ó SUSI agus ón Roinn maidir le haghaidh a thabhairt ar na saincheistanna sin.

Gearáin faoi aisíoc íocaíochtaí leasa a bheith á lorg ag an Roinn Coimirce Sóisialaí

Le linn na mblianta 2015 agus 2016, thug mé méadú faoi deara ar an líon gearán a fuair an Oifig seo ó dhaoine a bhí ag fáil íocaíochtaí leasa shóisialaigh roimhe sin, nó a bhí ag fáil íocaíochtaí leasa shóisialaigh ag an am, agus a fuair fógra ón Roinn Coimirce Sóisialaí gur ró-íocadh leo. Bhí an Roinn ag éileamh go n-aisíocfadh na daoine an t-airgead sin. Bhí tréimhsí éagsúla i gceist leis na ró-íocaíochtaí. Cé go ndearnadh ró-íocaíochtaí áirithe le déanaí, chuaigh cinn eile 20 bliain siar. Bhí na suimeanna i gceist sa raon ó €1,000 go níos mó ná €100,000 freisin.

Tháinig ábhair imní shuntasacha chun cinn le linn dúinn na gearáin sin a scrúdú. Dá bhrí sin, chinn mé scrúdú sistéamach a dhéanamh ar na próisis a bhí ar bun ag an Roinn chun fiachais ró-íocaíochta a thiomsú agus a bhailiú ó éilitheoirí.

Rinne an Oifig seo scrúdú ar chomhaid ró-íocaíochta áitiúla a bhí i seilbh dhá Oifig Intreo i mBaile Átha Cliath. I mí Dheireadh Fómhair 2016, sheol mé tuarascáil maidir lenár bhfionnachtana chuig an Roinn ionas go bhféadfadh sí iad a bhreithniú agus freagra a thabhairt orthu.

Le linn na bliana 2016, rinne an Oifig seo scrúdú ar ghearáin aonair eile a fuarthas ó éilitheoirí leasa shóisialaigh ar ró-íocadh leo. Rinneadh scrúdú ar 55 ghearán ró-íocaíochta san iomlán. Tá 25 cinn díobh tugtha chun críche agus dúnta anois. Maidir leis na gearáin a dúntadh, sheas mé leis an ngearán i 15 chás (60%) agus dhíscríobh an Roinn an t-airgead a bhí dlite ina leith.

Tá cumhachtaí láidre aisghabhála ag an Roinn Coimirce Sóisialaí maidir le ró-íocaíochtaí a rinneadh le héilitheoirí leasa shóisialaigh. Le linn dom an t-ábhar a phlé leis an Roinn, chuir mé béim ar na nithe seo a leanas, i measc nithe eile:

- Cásanna a 'phromhadh ó thaobh na bochtaineachta de' – chun a chinntiú nach mbeidh an ráta aisghabhála ró-íocaíochta ina chúis le cruatan míchuí d'éilitheoirí
- Íoschaighdeán doiciméad a chur i bhfeidhm – ní mór na doiciméid ar fad a choinneáil de réir mar a bhaineann siad le fiachais ró-íocaíochta a shainaithint agus a thiomsú
- An ceart achomhairc – ba cheart d'éilitheoirí an ceart a bheith acu chun cur i gcoinne aon ghné den phróiseas aisghabhála fiachais tríd an gcreat achomhairc.

Sa bhliain 2017, leanfaidh mé ar aghaidh le scrúdú sistéamach a dhéanamh ar na próisis leasa shóisialaigh atá ar bun chun ró-íocaíochtaí a aisghabháil. Táim buíoch den Roinn as an gcomhar atá á thabhairt aici sa chás seo.

Mearbhall maidir leis an scéim um Chúram Sláinte Trasteorann

Sa bhliain 2016, fuair mé líon beag gearán faoin scéim um Chúram Sláinte Trasteorann. Leis an scéim, tugtar rogha do dhaoine a chónaíonn in Éirinn cóireáil sláinte poiblí a fháil i dtír eile san Aontas Eorpach. Is minic a bhaineann daoine in Éirinn leas as an scéim de bharr na liostaí feithimh fada atá ann sa tír seo le haghaidh roinnt cóireálacha a chistítear go poiblí. Is é Feidhmeannacht na Seirbhíse Sláinte (FSS) a riarann an scéim. Aisíocann sí costas na cóireála. Déantar aisíocaíocht ar aon dul leis na rátaí foilsithe atá ar fáil ó Phointe Teagmhála Náisiúnta FSS. Íocann an t-othar costas na cóireála roimh ré.

Maidir leis na gearáin a fuair mé, tháinig siad ó dhaoine a raibh mearbhall orthu faoin dóigh a n-oibrítear an scéim nó a raibh deacrachtaí acu nuair a bhí siad ag iarraidh an t-airgead a chaith siad ar an gcóireáil a éileamh ar ais. Ina lán cásanna, fuarthas na gearáin ó dhaoine leochaileacha a bhí an-tinn agus a raibh orthu taisteal chuig tír eile chun cóireáil leighis a bhí ag teastáil go géar a fháil.

Ní hionann an scéim um Chúram Sláinte Trasteorann agus an Scéim Cóireála Thar Lear. Go ginearálta, is leis an Scéim Cóireála Thar Lear a chumhdaítear cóireálacha nach bhfuil ar fáil in Éirinn. Leis an scéim um Chúram Sláinte Trasteorann, cumhdaítear cóireálacha a chistítear go poiblí agus atá ar fáil in Éirinn. (Chuir mé tús le himscrúdú ar an Scéim Cóireála Thar Lear sa bhliain 2016. Tá tuilleadh faisnéise faoin imscrúdú sin le fáil níos déanaí sa Chaibidil seo).

I mí na Nollag 2016, tharraing mé aird ar na saincheisteanna a bhí i gceist leis na gearáin a fuarthas. D'oibrigh mé le FSS chun na gearáin a réiteach agus chun roinnt de na nósanna imeachta a bhí i bhfeidhm ag FSS a leasú ar mhaithe le cabhrú le daoine an scéim a thuiscint. Tá achoimre déanta agam ar thrí cinn de na gearáin sin i gCaibidil 3, áit a bhfuil roinnt achoimrí ar na cásanna ar dhéileáil an Oifig seo leo sa bhliain 2016.

2.6 Rudaí a Chur ina gCeart trí Imscrúduithe

Is ar bhealach tapa neamhfhoirmiúil a réitítear beagnach gach ceann de na gearáin a ndéileáil an Oifig seo leo. Ba mhaith liom buíochas a ghabháil le formhór mór na soláthraithe seirbhíse poiblí a oibríonn i gcomhar leis an Oifig seo nuair a fhaighimid gearáin. I líon an-bheag cásanna, áfach, is gá dom dul i muinín imscrúdú foirmiúil. Uaireanta, cuireann an Oifig seo fionnachtana agus moltaí in iúl don soláthraí seirbhíse lena mbaineann de bhun an imscrúdaithe sin.

Sa bhliain 2016, chuir mé tús le roinnt imscrúduithe a chuirfear i gcrích le linn na bliana 2017. Foilsím na torthaí ar gach ceann de m'imscrúduithe ar an suíomh Gréasáin.



"Go raibh maith agat as an gcabhair a thug tú agus as an bhfoighne a léirigh tú. Ní mór dom tú a mholadh as an dóigh shuaimhneach réasúnta ar thug tú aghaidh ar na hábhair chasta a chuir mé faoi do bhráid"

-Gearánach

Imscrúdú ar láimhseáil gearán agus saincheistanna a sainaitníodh i ngearán faoin nGníomhaireacht um Leanaí agus an Teaghlach (TUSLA)

I mí an Mheithimh 2016, chuir mé tús le himscrúdú sistéamach ar an dóigh a láimhseáiltear gearáin laistigh den Gníomhaireacht um Leanaí agus an Teaghlach (TUSLA). Féachadh san imscrúdú sin ar cé acu atá nó nach bhfuil nósanna imeachtaí cuí agus beartais chuí i bhfeidhm agus ar cé acu atá nó nach bhfuil siad á leanúint mar is ceart, ag féachaint don oibleagáid atá ar TUSLA cloí le nós imeachta cóir agus le ceartas nádúrtha. Ba é a bhí i gceist leis an imscrúdú ná athbhreithniú agus anailís a dhéanamh ar chásanna tábhachtacha a ndearna an Oifig seo scrúdú orthu cheana féin. Ina theannta sin, rinne mé scrúdú ar shampla randamach de chomhaid ghearán a bhí á gcoinneáil ag TUSLA ar bhonn náisiúnta, agus é mar aidhm agam measúnú a dhéanamh ar a leordhóthanaí atá láimhseáil gearáin áitiúil i gcásanna nár tháinig faoi bhráid an Ombudsman.

Mar chuid den phróiseas imscrúdaithe, d'óstáil an Oifig seo seimineár leathlae d'oibrithe sóisialta agus do láimhseálaithe gearán TUSLA as gach cearn den tír an 6 Nollaig 2016. Bhí thart ar 30 duine i láthair. Le linn an tseimineáir, tugadh láithreoireachtaí ar obair an Ombudsman agus ar chuspóir an imscrúdaithe. Fuarthas aiseolas ó na rannpháirtithe agus chomhlánaigh siad ceistneoir gan ainm ar an lá freisin. Pléifead leis an aschur ón seimineár sa tuarascáil imscrúdaithe freisin. Tá na torthaí ar an imscrúdú le foilsiú go luath sa bhliain 2017 agus beidh siad ar fáil lena léamh ar shuíomh Gréasáin na hOifige seo.

Imscrúdú ar riar na Scéime Ex Gratia Ceartais Aisiríoch i leith Neachtlanna Mhaigdiléana

Is í an Roinn Dlí agus Cirt agus Comhionannais a riarann an Scéim Ex Gratia Ceartais Aisiríoch i leith Neachtlanna Mhaigdiléana. Tá an Scéim ceadaithe ag an Rialtas agus baineann sí le dhá institiúid shonracha dhéag. Ní fhéadfaidh an Oifig seo féachaint le haon institiúidí eile a chur leo sin atá ceadaithe ag an Rialtas.

Mar sin féin, bhí sé de cheart ag iarratasóirí ar diúltaíodh sásamh dóibh faoin Scéim achomharc a dhéanamh chuig an Oifig seo. I bhformhór na gcásanna a cuireadh faoi bhráid na hOifige seo, measadh gur cheart a bhí an cinneadh bunaidh ar an ábhar. I líon beag cásanna, áfach, chomhaontaigh an Roinn iarratasóirí ar diúltaíodh dóibh roimhe sin a ligean isteach sa Scéim. Tháinig sé sin sna sála ar anailís a rinne an Oifig seo ar na cásanna sin agus ar iarraidh go ndéanfaí athbhreithniú ar an gcinneadh bunaidh.

I líon beag cásanna eile, níor glacadh leis an iarraidh ar athbhreithniú. Chinn mé imscrúdú a thionscnamh ar riar na Scéime ansin. Tugadh fógra don Roinn faoin imscrúdú sin i mí na Nollag 2016. Foilseofar an tuarascáil imscrúdaithe sa dara leath den bhliain 2017.



"Go raibh míle maith agat as an imscrúdú dian mionsonraithe a rinne tú ar na gearáin a rinne mé faoin dóigh ar caitheadh le m'athair Go raibh maith agat as an bhfreagra an-mhionsonraithe achomair a chuir tú ar fáil freisin"

-Gearánach

Imscrúdú ar an Scéim Cóireála Thar Lear

Riarann Feidhmeannacht na Seirbhíse Sláinte (FSS) scéim de chuid an Aontais Eorpaigh (AE) darb ainm an Scéim Cóireála Thar Lear. Foráiltear leis an scéim go bhféadfaidh othair cóireáil leighis a fháil i mBallstát eile d'AE/den Limistéar Eorpach Eacnamaíoch (LEE) i gcás nach bhfuil an chóireáil sin ar fáil ar chor ar bith in Éirinn nó nach bhfuil sí ar fáil in Éirinn laistigh de thréimhse ama réasúnta. Ní mór an t-atreorú chuig cóireáil thar lear a bheith déanta ag an lia comhairleach atá ag cur cóireáil ar an othar in Éirinn. Ní mór an t-atreorú a chur isteach in éineacht le hiarratas ar cheadú ón rannóg um riar na Scéime Cóireála Thar Lear in FSS freisin. Ní mór don lia comhairleach lena mbaineann an chóireáil atá le fáil ag an othar a shonrú agus ní mór dó a dheimhniú go n-éireoidh leis an gcóireáil sin. Foráiltear leis an scéim go bhféadfar othair phoiblí a atreorú chun rochtain a fháil ar chóireáil sa chóras cúraim shláinte phoiblí de chuid Bhallstáit eile AE/LEE.

Tar éis dom scrúdú a dhéanamh ar roinnt gearán ó othair ar diúltaíodh dá n-iarratas ar cheadú faoin Scéim Cóireála Thar Lear, tháinig imní orm go ndearnadh dochar d'othair áirithe mar gheall ar an bpróiseas riaracháin. Dá bhrí sin, chinn mé imscrúdú foirmiúil a thionscnamh ar an Scéim Cóireála Thar Lear. Tosaíodh an t-imscrúdú sin sa bhliain 2016. Chuathas i gcomhairle le roinnt othar agus le heagraíocht a dhéanann ionadaíocht d'othair ina leith. Cuireadh príomhbhainisteoirí in FSS agus sa Roinn Sláinte faoi agallamh maidir leis an Scéim. Cuireadh roinnt lianna comhairleacha faoi agallamh freisin. Tá sé beartaithe agam an t-imscrúdú a chríochnú agus m'fhionnachtana a fhoilsiú sa bhliain 2017.

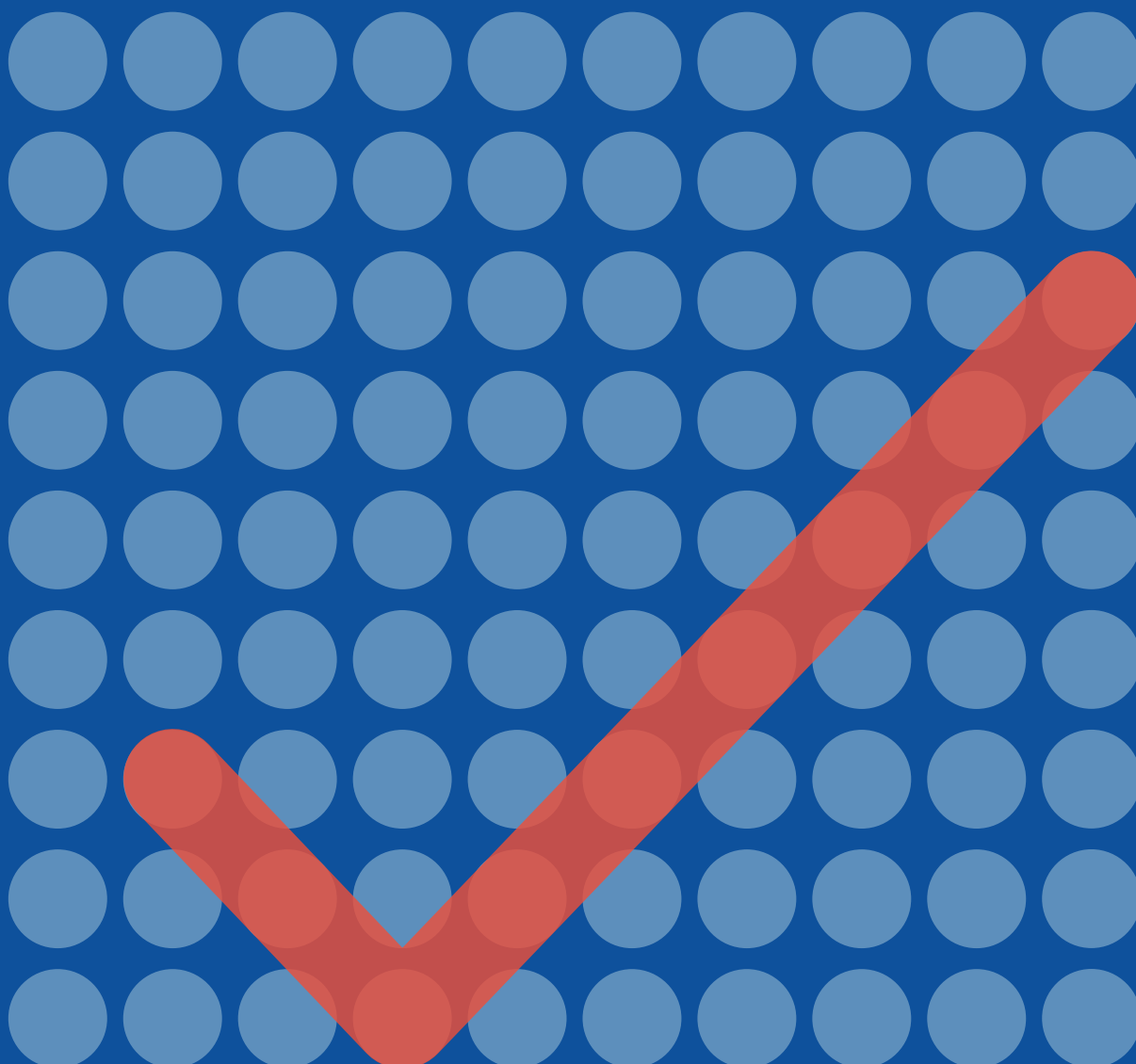
Na Scéimeanna um an Liúntas Soghluaisteachta agus an Deontas Mótariompair: An Scéala is Déanaí

Sa bhliain 2013, chinn an Roinn Sláinte na scéimeanna um an Liúntas Soghluaisteachta agus an Deontas Mótariompair a dhúnadh d'iarratasóirí nua tar éis don Ombudsman roimhe imscrúdú a chríochnú ar na scéimeanna agus tar éis don Oifig seo Tuarascálacha Speisialta a fhoilsiú ina bhfuarthas amach gur sáraíodh leis na scéimeanna sin an reachtaíocht um Stádas Comhionann. I mí Feabhra 2013, fógraíodh go gcuirfí scéim aontaithe reachtúil nua i bhfeidhm in áit na scéimeanna a bhí ann cheana. Tá imní curtha in iúl agam cheana féin maidir leis an moill fhada ar an reachtaíocht nua a thabhairt chun críche.

Níor feidhmíodh an scéim um an Deontas Mótariompair ó dúnadh í. Ón mbliain 2013 i leith, áfach, tá Feidhmeannacht na Seirbhíse Sláinte ag leanúint le híocaíochtaí ar fiú suas le €208.50 iad a dhéanamh le 4,700 duine a bhí ag fáil an deontais sular dúnadh an scéim.

Idir an dá linn, tá an Roinn Sláinte ag obair ar an mBille Sláinte (Tacaíocht Iompair) a dhréachtú. Is leis an mbille sin a fhorálfar don scéim nua. De réir Chlár Reachtach an Rialtais, tá an Bille le foilsiú le linn Sheisiún an Earraigh/an tSamhraidh sa bhliain 2017.





03

Rudaí a Chur ina gCeart -
Cás-Staidéir an Ombudsman

Caibidil 3: Rudaí a Chur ina gCeart - Cás-Staidéir an Ombudsman

I gCaibidil 2, rinne mé achoimre ar na gearáin a fuair an Oifig seo sa bhliain 2016. Sheas mé go hiomlán nó go páirteach leis an ngearán in aghaidh an tsoláthraí seirbhíse i 27.6% de chásanna. Sa Chaibidil seo, déanaim achoimre ar roinnt de na gearáin ar sheas mé leo.

TALMHAÍOCHT

3.1 Athraíonn an Roinn a cinneadh ceithre bliana tar éis iarratas ar dheontas €18,000 a fhorpheas

Cúlra

Rinne fear gearán leis an Ombudsman nuair a d'athraigh an Roinn Talmhaíochta, Bia agus Mara a cinneadh ceithre bliana tar éis di iarratas an fhir ar dheontas faoin scéim Athbhuanaithe/Coillteoireachta a fhorpheas. Ar bhonn an fhorpheasa tosaigh, chuir an fear crainn i limistéar foraoise an athuair. Thabhaigh sé costas €18,255 le linn dó déanamh amhlaidh.

Scrúdú

Ceann amháin de choinníollacha na scéime is ea nach mór don iarratasóir eolas a thabhairt don Roinn faoi aon damáiste a rinneadh roimhe sin don fhoraois sula ndéanann sé iarratas. Dúirt an Roinn gurb é an chúis ar athraigh sí a cinneadh ná gur tháinig sí ar an eolas go ndearnadh damáiste don limistéar foraoise le dóiteáin sula ndearna an fear iarratas. Dúirt an fear, áfach, gur chuir sé in iúl don Roinn, tráth a chuir sé a iarratas isteach i mí na Bealtaine 2009, go ndearnadh damáiste don fhoraois agus gur chuir sé tuairisc ón nGarda Síochána isteach lenar deimhníodh dáta an dóiteáin.

Toradh

Tar éis dó na doiciméid ábhartha sa Roinn a scrúdú, dúirt an tOmbudsman go raibh sé míréasúnta ag an Roinn a cinneadh a athrú ceithre bliana tar éis di an deontas a fhorpheas agus tar éis don fhear crainn a chur sa limistéar an athuair.

Mheas an tOmbudsman gur fhorfhreas an Roinn an t-iarratas agus í eolach go ndearnadh sárú ar théarmaí agus coinníollacha na scéime. D'aontaigh an Roinn an dara cinneadh uathí a athrú agus d'fhorfhreas sí an deontas.

3.2 Faigheann an tOmbudsman gur in am a rinne feirmeoir iarratas 'déanach' €27,000

Cúlra

Rinne fear gearán leis an Ombudsman nuair a dhiúltaigh an Roinn Talmhaíochta, Bia agus Mara don iarratas uaidh agus don iarratas óna bhean chéile faoin Scéim Feabhsúcháin Feirme sa bhliain 2007 a fhorfhreas. Níor cuireadh an fear ar an eolas faoi chinneadh na Roinne diúltú do na hiarratais uathu agus faoina gceart chun achomharc in aghaidh an chinnidh ach tar éis dá atur nae scríobh chuig an Aire Talmhaíochta sa bhliain 2011. Mhaígh an Roinn gur tar éis an spriocdháta an 21 Deireadh Fómhair 2007 a fuair sí na hiarratais. Dúirt an fear, áfach, go raibh fianaise aige á léiriú go ndearnadh na hiarratais in am.

Scrúdú

Chuir an feirmeoir fianaise ar fáil don Oifig Achomhairc Talmhaíochta á léiriú gur seachadadh na hiarratais de láimh chuig oifig réigiúnach na Roinne an 18 Deireadh Fómhair 2007. Áiríodh leis an bhfianaise sin ráiteas ón oifigeach de chuid Teagasc a sheachaid na hiarratais, sonraí faoi éileamh taistil an oifigigh i dtaca leis an turas chuig an oifig réigiúnach an 18 Deireadh Fómhair 2007 agus cóip de leabhar lae Teagasc (inar tugadh sonraí faoi na hiarratais a seachadadh an lá sin). Tháinig an Oifig Achomhairc Talmhaíochta ar an gconclúid, áfach, gurb amhlaidh, agus gach rud á gcur sa mheá, gur tar éis an spriocdháta a fuarthas na hiarratais mar go raibh an 22 Deireadh Fómhair 2007 stampáilte orthu mar dháta fála.

Toradh

Scrúdaigh an tOmbudsman an fhianaise. D'iarr sé ar an Roinn a cinneadh a athbhreithniú mar gur mheas sé go raibh fianaise láidir ann a bhí ag tacú le maíomh an fheirmeora go ndearnadh na hiarratais in am. Áiríodh leis an bhfianaise sin faisnéis ar chuir gníomhaireacht Stáit í ar fáil. D'athbhreithnigh an Roinn a cinneadh agus d'aontaigh sí €27,100 a íoc leis an bhfeirmeoir agus lena bhean chéile i leith a n-iarratas.

3.3 D'iarr an Roinn aisíocaíocht €25,000 ó fhear tar éis a thalamh a bheith buailte ag tuile

Cúlra

Rinne fear gearán leis an Ombudsman tar éis don Roinn Talmhaíochta, Bia agus Mara iarracht a dhéanamh deontas ab fhiú breis agus €25,000 a fháil ar ais uaidh tar éis a thalamh a bheith buailte ag tuile i gCiarraí. Fuair an fear deontas faoi Scéim Coillteoireachta na Roinne le haghaidh foraois a bhunú ar a thalamh. Scríosadh an fhoraois tar éis diantuille sa bhliain 2009, áfach.

Scrúdú

D'áitigh an Roinn gurbh eol don fhear go raibh a thalamh i mbaol tuile nuair a rinne sé an t-iarratas ar an deontas sa bhliain 2004. D'áitigh sí freisin go raibh freagracht pháirteach ar an bhfear as an damáiste a rinneadh don fhoraois.

D'aimsigh an tOmbudsman go ndearna an Roinn cigireacht ar thalamh an fhir agus gur cuireadh in iúl di sular deonaíodh iarratas an fhir go bhféadfadh an talamh bheith i mbaol tuile. Ina theannta sin, ba dheimhin leis an Ombudsman go raibh feidhm ag sainmhíniú na Roinne ar 'force majeure' maidir leis an gcás ar leith seo agus, dá bhrí sin, ní raibh an duine freagrach as scrios na foraoise.

Toradh

Chinn an tOmbudsman gur ghníomhaigh an Roinn go héagothrom agus í ag iarraidh go n-aisíocfaí an t-airgead. D'aontaigh an Roinn gan dul sa tóir ar an aisíocaíocht.

Tá sonraí iomlána faoin gcás seo le fáil ar shuíomh Gréasáin Oifig an Ombudsman.

AN ROINN COIMIRCE SÓISIALAÍ

3.4 Bhí dul amú ar an Roinn gan Pinsean Easláine de chuid fir a shiardhátú

Cúlra

Dheonaigh an Roinn Coimirce Sóisialaí Liúntas Míchumais níos moille sa bhliain sin d'fhear a bhí faoi mhíchumas ón mbliain 2011 i leith. Sa bhliain 2013, d'fhormheas an Roinn a iarratas ar Phinsean Easláine. D'iarr an fear ansin go siardhátófaí a iarratas ar Phinsean Easláine go mí na Samhna 2011, an uair a tháinig an míchumas air. Dhiúltaigh an Roinn do dhéanamh amhlaidh.

Scrúdú

Tástáiltear teidlíocht i leith an Liúntais Míchumais ó thaobh acmhainne de agus fuair an fear liúntas ab fhiú thart ar €5 sa tseachtain. Gheobhadh an fear €190 sa tseachtain faoin scéim Pinsean Easláine, áfach. Dúirt an fear gur mhol foireann na Roinne ina hOifig Áitiúil dó iarratas a dhéanamh ar Liúntas Míchumais in ionad Pinsean Easláine sa bhliain 2011.

Scríobh an Roinn chuige sula ndearna sé iarratas ar Liúntas Míchumais á lua go bhféadfadh go gcáileodh sé le haghaidh Pinsean Easláine. Ní raibh ach scileanna litearthachta an-lag ag an bhfear, áfach, agus thug sé cuairt ar an Oifig Áitiúil chun a iarratas a phlé agus chun comhairle a iarraidh.

Tar éis dó comhaid na Roinne a scrúdú, tháinig an tOmbudsman ar an gconclúid go raibh forais dhóthanacha ann lena mheas gur thug foireann na Roinne eolas mícheart don fhear sa bhliain 2011. D'iarr an tOmbudsman ar an Oifig Achomhairc Leasa Shóisialaigh athbhreithniú a dhéanamh ar an gcás.

Toradh

D'athraigh an Oifig Achomhairc Leasa Shóisialaigh a cinneadh tar éis di an fhianaise a athbhreithniú. Siardhátaíodh Pinsean Easláine an fhir go dtí an bhliain 2011. Fuair sé riaráiste ab fhiú geall le €11,788 (lenar áiríodh asbhaint i leith shuim an Liúntais Mhíchumais a fuair sé roimhe sin).

3.5 Iompaítear bille leasa shóisialaigh €20,000 de chuid mná ina aisíocaíocht

Cúlra

Rinne bean gearán leis an Ombudsman nuair nach bhfuair sí freagra ar litir a scríobh sí chuig oifig áitiúil de chuid na Roinne Coimirce Sóisialaí. Fuair an bhean comhfhreagras óna hoifig áitiúil roimhe sin á lua go ndearnadh ró-íocaíocht €19,900 léi. Níorbh eol don bhean conas a tháinig an fiach sin chun cinn agus scríobh sí chuig an Roinn chun míniú a fháil.

Scrúdú

Rinne an tOmbudsman teagmháil leis an oifig áitiúil de chuid na Roinne chun iarraidh uirthi freagra a thabhairt ar chomhfhreagras na mná. Le linn di freagra a thabhairt don Ombudsman, d'athbhreithnigh an Roinn na híocaíochtaí leasa shóisialaigh a fuair an bhean. D'aimsigh sí nár próiseáladh iarratas na mná i gceart. Rinneadh ioncam na mná a athríomh roinnt uaireanta, rud ba chúis le torthaí difriúla. Ina theannta sin, le linn don Roinn ioncam a fir chéile a bhreithniú, níor chuir sí tinneas a laghdaigh a ioncam san áireamh.

Toradh

Tar éis an t-athbhreithniú a dhéanamh, d'aimsigh an Roinn nach é amháin nach raibh aon ró-íocaíocht ann ach bhí an bhean i dteideal aisíocaíocht de thart ar €700 chomh maith.

SLÁINTE

3.6 Réitítear gearán faoin droch-chóireáil a cuireadh ar dhuine i Rannóg Timpistí agus Éigeandála tar éis cruinniú leis an ospidéal

Cúlra

Rinne bean gearán leis an Ombudsman tar éis dá mac roinnt cuairteanna a thabhairt ar Ospidéal Mhuire Lourdes, Droichead Átha, chun go n-athdheiseofaí a ghualainn, rud a chuireann sé as alt go rialta. Fulaingíonn a mac riocht sláinte neamhchoitianta nimhneach ó oidhreacht (Siondróm Elhers-Danlos). Rinne sí gearán go raibh cóireáil mhíshásúil á cur air ag an bhfoireann leighis, rud a chuir pian agus anacair neamhriachtanach ar a mac agus ar an teaghlach. Dúirt sí gur mar thoradh ar an gcóireáil sin a roghnaigh sí turas i bhfad níos

faide a dhéanamh chuig Rannóg Timpistí agus Éigeandála in ospidéal eile, áit a raibh an chóireáil fhisiciúil agus phearsanta a cuireadh air i bhfad ní b'fhearr.

Scrúdú

Rinne an bhean gearán foirmiúil leis an ospidéal i mí Eanáir 2015. Leag sí a hábhair imní amach agus d'iarr sí go ndéanfaí athbhreithniú ar chúram agus plean cóireála a mhic. Luaigh sí an cur chuige sásúil a glacadh san ospidéal eile. Rinne an bhean gearán freisin faoi iompraíocht ball áirithe den fhoireann leighis san ospidéal agus faoi roinnt eachtraí ríghoilliúnacha a d'fhulaing a mac.

B'údar misnigh é freagra an ospidéil ar dtús. Gheall sé go n-eagródh sé athbhreithniú iomlán ar chúram leighis agus plean cóireála a mic, rud a mbeadh Dochtúir Comhairleach ó ospidéal eile i gceannas air. Gheall sé freisin go n-imscrúdódh sé a líomhaintí maidir leis an gcaidreamh idir an fhoireann chliniciúil agus a mac agus an teaghlach. Ní dhearna an t-ospidéal teagmháil ar bith leis an mbean ina dhiaidh sin, áfach, cé go ndeachaigh sí i dteagmháil leis roinnt uaireanta chun an t-eolas is deireanaí agus gníomhaíocht a lorg.

Toradh

Chuaigh an tOmbudsman i dteagmháil le Bainisteoir Ginearálta nuacheaptha an ospidéil. Rinne an Bainisteoir Ginearálta idirghabháil trí chruinniú idir an t-ospidéal agus an bhean a thionól go pras. D'inis an bhean don Ombudsman go raibh sise agus a mac sásta le toradh an chruinnithe. Dúirt sí go raibh feabhas tagtha ar iontrálacha a mic sa Rannóg Timpistí agus Éigeandála san ospidéal agus go raibh siad "an-dearfach agus comhsheasmhach".

3.7 Rinneadh sraith earráidí sa chóireáil a chuir ospidéal ar mháthair nua

Cúlra

Bhí bean ar rugadh leanbh di tamall beag roimhe sin ag fulaingt fuiliú agus pian leanúnach tráth a d'fhreastail sí ar an Ospidéal Réigiúnach Lár na tíre, Muileann gCearr le haghaidh scanadh ultrafhuaime. Ní dhearna an t-ospidéal teagmháil léi tar éis an scanta agus bhí uirthi ina dhiaidh sin dul chuig an Rannóg Éigeandála. Chuaigh sí faoi ghnáthamh chun fíochán a bhaint dá broinn. Aimsíodh gur bhuail ionfhabhtú í.

- Níor tugadh coinne iarchúraim sé seachtaine don bhean.
- Níor cuireadh achoimre scaoilte chuig a lia-chleachtóir ginearálta.
- Le linn í a athiontráil san ospidéal, níor cuireadh in iúl don bhean go raibh sí in ann a leanbh nua a choinneáil léi.

Ghabh an dochtúir comhairleach san ospidéal leithscéal leis an mbean ar deireadh thiar. Mar sin féin, bhí sí den tuairim nár thuig an t-ospidéal a gearán ina iomláine.

Scrúdú

Léiríodh na nithe seo a leanas i scrúdú an Ombudsman:

- deachtaíodh an achoimre scaoilte ach níor seoladh í i dteannta cairt leighis lena clóscríobh. Dá gclóscríobhfaí an achoimre scaoilte, ghníomhachtófaí coinne le haghaidh seiceáil sé seachtaine.
- seoladh torthaí an scanta ultrafhuaime chuig dochtúir sóisearach nach raibh bainteach le cúram na mná a thuilleadh.
- eisíodh cóip den tuarascáil chuig an dochtúir comhairleach ach ní bhfuair sé í ach tamall maith ina dhiaidh sin.
- níor tugadh freagra ar thrí litir a sheol lia-chleachtóir ginearálta na mná chuig an ospidéal.

Toradh

Sheol an t-ospidéal an achoimre scaoilte chuig an lia-chleachtóir ginearálta ó shin i leith. Chomh maith leis sin, ghabh sé leithscéal leis an mbean as an anacair agus an imní a chuir sé uirthi.

Rinneadh roinnt feabhsuithe san ospidéal mar thoradh ar scrúdú an Ombudsman:

- tá an próiseas um litreacha scaoilte agus coinní iarchúraim a eisiúint níos cuíchóirithe agus ullmhaítear ar an mbarda iad anois.
- cuireadh tús le Seirbhís 'Iarsmaointe Breithe' inar féidir le máthair nua bualadh le cnáimhseach sinsearach agus aon ábhair imní a phlé.
- cuireadh feabhas ar na próisis a bhaineann leis an gcóras raideolaíochta digití, rud a tugadh isteach um an dtaca sin.

3.8 Aithníodh fear go mícheart i gcóras ríomhaire ospidéil mar bhagairt ar an bhfoireann

Cúlra

Rinne fear gearán leis an Ombudsman tar éis garda slándála a ghairm chun an fear a thionlacan nuair a d'fhreastail sé ar an Rannóg Éigeandála in Ospidéal Ollscoile Mhaigh Eo. D'aimsigh sé gur gaireadh an garda slándála mar gur taifeadh faisnéis ar ríomhchóras faisnéise othar an ospidéil á lua go raibh sé ina bhagairt ar an bhfoireann.

Scrúdú

Ní raibh an t-ospidéal in ann a mhíniú cén fáth a raibh an fhaisnéis sin ar fáil ina ríomhchóras ná a shainaithint cé a chuir an fhaisnéis isteach sa chóras mar nár thaifead sé cé a rinne an iontráil. Ghabh an t-ospidéal leithscéal leis an bhfear agus bhain sé an fhaisnéis.

Sheol bainisteoir ginearálta an ospidéil meabhrán chuig an bhfoireann sna rannóga

ábhartha chun béim a leagan ar a thábhachtaí atá sé gan réimsí ríomhaire a úsáid go míchuí. Cuireadh úsáid chuí as faisnéis othar agus úsáid as réimsí ríomhaire ar an gcóras othar ar áireamh sa chúrsa oiliúna do bhaill foirne nua. Athraíodh lámhleabhar oiliúna an chórais chun dáta freisin. Rinne an t-ospidéal teagmháil le FSS agus le soláthraí an chórais chun a iniúchadh an bhféadfaí na réimsí ríomhaire i gceist a rianú nó nach bhféadfaí.

Toradh

Ghlac an tOmbudsman leis gur fhreagair an t-ospidéal go cuí don ghearán agus gur cuimsitheach a bhí a thuarascáil ar an teagmhas. Ghabh an t-ospidéal leithscéal an athuir. Thairg sé cruinniú leis an bhfear chun a ghearán a phlé d'fhonn a chinntiú nach mbeadh sé drogallach freastal ar an ospidéal sa todhchaí dá mbeadh air déanamh amhlaidh.

3.9 Gearáin faoin Scéim um Chúram Sláinte Trasteorann

Leis an scéim um Chúram Sláinte Trasteorann, tugtar rogha do dhaoine a chónaíonn in Éirinn cóireáil sláinte poiblí a fháil i dtír eile san Aontas Eorpach. Is minic a bhaineann daoine in Éirinn leas as an scéim de bharr na liostaí feithimh fada atá ann le haghaidh roinnt cóireálacha a fhaigheann cistiú poiblí. Is é Feidhmeannacht na Seirbhíse Sláinte (FSS) a riarann an scéim. Aisíocann sí costas na cóireála. Déantar aisíocaíocht ar aon dul leis na rátaí foilsithe atá ar fáil ó Phointe Teagmhála Náisiúnta FSS. Íocann an t-othar costas na cóireála roimh ré.

Fuair mé roinnt gearán faoin scéim sa bhliain 2016.

Baineann na gearáin le mearbhall faoin 'gcód' riaracháin a úsáidtear le haghaidh cóireálacha agus le mearbhall faoi aisíocaíocht as cúram othair chónaithigh agus cúram othair sheachtraigh. I gcás cóireáil othair chónaithigh (nó thar oíche), éilítear réamhchead ó FSS sula dtéitear i mbun taistil agus tá cód gaolmhar agus costas comhaontaithe ag baint le gach cóireáil ar leith. Ní éilítear réamhchead i gcás cóireáil othair sheachtraigh (nó cúram lae).

Cás-Staidéar 1: Diúltaíodh do chostas obráid athchur cromáin a aisíoc go hiomlán le pinsinéir

I gcás amháin, rinne bean 74 bliana d'aois gearán leis an Ombudsman nuair a theip ar FSS costas iomlán na hobráide athchur cromáin a ndeachaigh sí fúithi a aisíoc léi. Bhí an bhean ar an liosta feithimh poiblí le haghaidh na hobráide ar feadh breis agus dhá bhliain agus chinn sí sa deireadh dul go Tuaisceart Éireann chun cóireáil a fháil faoin scéim um Chúram Sláinte Trasteorann. D'íoc sí costas iomlán na hobráide roimh ré (€12,500 a fuair sí ar iasacht ó ghaol léi) agus d'iarr sí an t-airgead a athéileamh ó FSS ina dhiaidh sin. Rinne an pinsinéir gearán leis an Ombudsman, áfach, nuair nár aisíoc FSS ach €10,900 den chostas lenar bhain.

Mhínigh FSS go raibh an formheas bunaidh bunaithe ar an bhfaisnéis a chuir comhairleach na mná ar fáil. Fuair sí formheas ar dtús le haghaidh obráid 'neamhchaighdeánach' athchur cromáin a fháil. Tar éis don bhean an gnáthamh a fháil, níor dheimhnigh an comhairleach i

dTuaisceart Éireann go bhfuair sí an gnáthamh 'neamhchaighdeánach' a bhí ní ba chostasáí. Rinne FSS íocaíocht as obráid 'chaighdeánach' athchur cromáin a bhí ní ba neamhchostasáí ach gheall sí go ndéanfaí measúnú neamhspleách ar chairt leighis na mná chun a fháil amach ar cuireadh an gnáthamh ní ba chasta ar fáil nó nár cuireadh. Ní dhearnadh measúnú neamhspleách ar an gcairt leighis faoin am a ndeachaigh an bhean teagmháil le FSS. Ghlac FSS leis gur cheart an measúnú neamhspleách a bheith déanta faoin am sin. Mar chomhartha dea-thola, ghabh FSS leithscéal leis an mbean agus d'íoc sí an t-easnamh €1,600 léi.

Cás-Staidéar 2: Scéim mhícheart - faisnéis mhícheart

I gcás eile, diúltaíodh do chóireáil bhreise a chur ar fáil faoin Scéim Cóireála Thar Lear do bhean le haghaidh cóireáil othair chónaithigh in aghaidh limféidéime (chun an t-at ar a cosa a rialú tar éis cóireáil in aghaidh ailse), cé go bhfuair sí formheas faoin scéim sin le haghaidh na cóireála in aghaidh limféidéime ar an gcéad dul síos. Ba go mícheart a moladh di ansin iarratas a dhéanamh ar chóireáil faoin scéim um Chúram Sláinte Trasteorann sula bhfuair sí formheas le haghaidh cóireála faoin Scéim Cóireála Thar Lear.

Níor cuireadh in iúl don bhean go raibh sí in ann achomharc a dhéanamh in aghaidh chinneadh tosaigh FSS ar dhiúltú don iarratas ar an Scéim Cóireála Thar Lear. Ina ionad sin, dúirt FSS léi iarratas a dhéanamh ar chóireáil faoin scéim um Chúram Sláinte Trasteorann. De réir FSS, bhí an chóireáil ar theastaigh uaithi í ar fáil ar bhonn othair sheachtraigh in Éirinn. Bhí an fhaisnéis sin mícheart. Cé go bhfuil cúram othair sheachtraigh ar fáil anseo do roinnt othair limféidéime, theastaigh ón mbean cineál dian cóireála othair chónaithigh in aghaidh a reachta. Níl an cineál cóireála sin ar fáil in Éirinn faoi láthair. Dá bhrí sin, ba cheart a hiarratas a bheith breithnithe faoin Scéim Cóireála Thar Lear agus ní faoin scéim um Chúram Sláinte Trasteorann.

Tar éis di réamhíocaíocht a dhéanamh as an gcóireáil thar lear faoin scéim um Chúram Sláinte Trasteorann, chuir FSS in iúl di go raibh uirthi 'cód cóireála' a chur ar fáil. Ní ann do chóid cóireála FSS ann le haghaidh cóireáil othair sheachtraigh thar lear, áfach. Le teann éadóchais, chuaigh sí i dteagmháil lena soláthraí cúraim sláinte phríobháidigh, a rinne ranníocaíocht i leith na gcostas. D'aontaigh FSS leis an méid fágtha (€2,900) a aisíoc léi, tar éis di gearán a dhéanamh leis an Ombudsman. D'aontaigh FSS freisin go dtabharfadh sí formheas don bhean le haghaidh cóireáil in aghaidh limféidéime amach anseo faoin Scéim Cóireála Thar Lear agus go mbreithneodh sí iarratais ó othair eile atá i gcás den sórt céanna.

Cás-Staidéar 3: Difríocht idir costais chúram lae agus costais chúram othair chónaithigh

Bhain cás eile le fear a fuair formheas ó FSS le haghaidh cóireáil othair chónaithigh (lenar bhain fanacht thar oíche) in aghaidh shiondróm na conaire carpasáí ina dhá lámh. D'íoc an fear an costas de gheall le €7,000 as a chúram othair chónaithigh in ospidéal i dTuaisceart Éireann roimh ré ach mhothaigh sé maith go leor chun an t-ospidéal a fhágáil ar an lá a rinneadh a obráid. Dá bhrí sin, measadh é a bheith ina othar lae agus ba cheart aisíocaíocht a bheith faighte aige ón ospidéal. Diúltaíodh dá iarraidh nuair a d'iarr sé aisíocaíocht ón

ospidéal, áfach. Dúirt an t-ospidéal gur fhan an costas mar a bhí, beag beann ar cé acu a chuaigh sé abhaile an lá sin nó a d'fhan sé thar oíche.

Níorbh fhéidir le FSS ach aisíocaíocht mar othar lae a dhéanamh leis an bhfear. B'ionann an aisíocaíocht sin agus pas beag níos mó ná €2,000. D'fhág sé sin go raibh easnamh de gheall le €5,000 aige. Nuair a chuir an tOmbudsman ceist ar an ospidéal i dTuaisceart Éireann faoin difríocht idir costais othar lae agus costais othair chónaithe, ghlac an t-ospidéal leis go ndearnadh earráid sa chás seo. D'aontaigh sé go n-aisíocfadh sé na costais a bhí fágtha. Agus é ag leagan béim ar an gcás seo, is mian leis an Ombudsman a léiriú cad is féidir tarlú nuair nach bhfuil othair láneolach ar shonraí na scéime ná ar an dóigh a n-oibríonn sí.

Sa chás seo, ní bheadh FSS in ann a thuar, tráth ar thug sí formheas dó cúram othair chónaithe a fháil, go scaoilfí an fear mar othar cónaitheach. I gcomhairle le hOifig an Ombudsman, leasaigh FSS a litir formheasa chun eolas a thabhairt d'othair faoi na féidearthachtaí éagsúla atá ar fáil faoin scéim agus faoi theidlíochtaí othair.

ÚDARÁS ÁITIÚIL

3.10 Gearrtar pionóis ar fhear go míchothrom as 'cáin an dara teach'

Le blianta beaga anuas, fuair mé roinnt gearán faoin táille as Cónaí Príobháideach Neamhphríomha (rud ar a dtugtar 'cáin an dara teach' freisin). Fuarthas an-chuid de na gearáin sin ó úinéirí tí atá ina gcónaí thar lear agus a maíonn nárbh eol dóibh go raibh an táille ann. Sheas mé le gearáin den sórt sin i líon an-bheag cúinsí, amhail iad sin atá leagtha amach sa chás seo a leanas.

Cúlra

Ghearr Comhairle Cathrach Chorcaí €6,230 i bpionóis íocaíochta déanaí ar fhear as mainneachtain an táille as Cónaí Príobháideach Neamhphríomha a íoc in am i dtaca le teach a bhí aige i gCorcaigh. Tá an fear agus a bhean chéile ina gcónaí san Astráil agus níor thug siad cuairt ar Éirinn go minic. Cheannaigh sé an réadmhaoin sular tugadh an cháin isteach sa bhliain 2009. Dúirt sé nárbh eol dó go raibh a leithéid d'íocaíocht le déanamh. Lig an fear an réadmhaoin ar cíos agus d'fhostaigh sé ceantálaí chun déileáil le haon fhadhbanna cothabhála a d'fhéadfadh teacht aníos le linn na tionóntachta. Ní raibh sé ag cur in aghaidh an táille €1,000 a íoc ach d'iarr sé go mbainfí an pionós íocaíochta déanaí.

Scrúdú

Bhí Cónaí Príobháideach Neamhphríomha ina cháin a bhí i bhfeidhm idir an bhliain 2009 agus an bhliain 2013 maidir le réadmhaoin chónaithe nárbh ionann í agus teach cónaithe aonair ná príomhtheach cónaithe an úinéara sna blianta sin. Cáin féindearbhairthe a bhí ann agus bhí dualgas ar an úinéir an réadmhaoin a chlárú agus an cháin a íoc. Chomhaontaigh an tOmbudsman creat le hÚdarás Áitiúla i dtaca le táillí as Cónaí Príobháideach

Neamhphríomha. Rinne siad foráil go mbeadh úinéir réadmhaoine atá ina gcónaí thar lear i dteideal laghdú 50% ar phionóis íocaíochta déanaí má chomhlíonann sé roinnt coinníollacha.

Níor thug an Chomhairle fógra don fhear faoina dhliteanas sular thosaigh na pionóis ag fabhrú. Níor thug sé cuairt ar Éirinn go minic, níor leis é níos mó ná réadmhaoin amháin a bhí faoi dhliteanas i leith na táille as Cónaí Príobháideach Neamhphríomha agus ní raibh a réadmhaoin á bainistiú ag gníomhaire.

Ghlac an Chomhairle leis nach raibh ach ról an-teoranta ag an gCeantálaí i ndéileáil le fadhbanna cothabhála agus nár bhainistigh sé an réadmhaoin.

Toradh

D'aontaigh an Chomhairle gur chomhlíon sé gach ceann de na cúig choinníoll atá liostaithe sna treoirlínte ar eisigh an tOmbudsman iad. D'aontaigh sé an tsuim a bhí le hóc ag an bhfear as táillí íocaíochta déanaí a laghdú faoi 50%. Shábháil an fear breis agus €3,000 dá bharr.

3.11 Tagann an Chomhairle ar chomhaontú le fear tar éis balla gairdín a thógáil san áit mhícheart

Cúlra

D'aimsigh fear gur san áit mhícheart a tógadh balla teorann ag teorainn a ghairdín. Bhí sé ag iarraidh a ghairdín a athchóiriú ach bhí cuid den ghairdín i seilbh fhisiciúil Chomhairle Contae Chill Dara, a cheannaigh an réadmhaoin in aice lena réadmhaoin féin.

Scrúdú

Cheannaigh sé a theach cónaithe sa bhliain 2002. Ag an am sin, bhí an balla ag teorainn a ghairdín fásta amach. Ghlan sé an fál rófhásta agus d'aimsigh sé go raibh an balla san áit mhícheart. Cheannaigh an Chomhairle an réadmhaoin in aice lena réadmhaoin sa bhliain 2008, sé bliana tar éis don fhear a theach a cheannach. Bhí an balla roinnte ann sular cheannaigh an Chomhairle an talamh.

Toradh

Bhí an tOmbudsman sásta gur aontaigh an Chomhairle tabhairt faoi oibreacha deisiúcháin agus a cion féin a íoc as an gcostas a bhain leis an mballa teorann a athshuí agus a atógáil. Leis sin, tugadh rochtain don fhear ar a ghairdín ar fad.

OIDEACHAS

I gCaibidil 2, thagair mé do roinnt gearán a fuair mé faoi Thacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI). D'oibrigh foireann na hOifige seo le SUSI chun aghaidh a thabhairt ar na saincheisteanna a cuireadh in iúl sna gearáin sin. Ba mhaith liom aitheantas a thabhairt don chomhar a chuir SUSI agus an Roinn Oideachais agus Scileanna ar fáil chun aghaidh a thabhairt ar na saincheisteanna sin. Tá achoimrí ar dhá cheann de na gearáin ar réitigh an Oifige seo iad sa bhliain 2016 leagtha amach agam.

3.12 Glacann SUSI le hiarratas déanach tar éis deacrachtaí teicniúla

Cúlra

Rinne mac léinn gearán nuair nach bhfuair sé meabhrúchán ó SUSI maidir lena dheontas ardoideachais a athnuachan, cé gur tugadh meabhrúchán do roinnt mhaith mic léinn eile. Mar thoradh air sin, dhiúltaigh SUSI dá iarratas déanach ar an deontas agus fágadh é gan airgead chun táillí cláraithe coláiste, i measc nithe eile, a íoc.

Scrúdú

D'athraigh an mac léinn a sheoladh ríomhphoist. Mar sin féin, thug sé fianaise á léiriú gur thug sé eolas do SUSI faoina sheoladh ríomhphoist nua. Tar éis imscrúdú a dhéanamh, dúirt SUSI go ndearnadh earráid nuair a bhíodhas ag socrú cuntas dúblach don mhac léinn ina bhunachar sonraí tacaíochta. Ba é an toradh a bhí air sin go raibh moill shuntasach ar fhoirm iarratais a sheoladh chuig an mac léinn.

Toradh

De bharr na ndeacrachtaí teicniúla a raibh SUSI ag déileáil leo, d'aontaigh sé glacadh le foirm iarratais dhéanach ón mac léinn.

3.13 Níor caitheadh go cothrom le leasathair mic léinn i scéim deontais

Cúlra

Rinne mac léinn gearán leis a Ombudsman nuair a dhiúltaigh SUSI dá hiarratas ar dheontas mac léinn a tástáladh ó thaobh acmhainne de. Is féidir an t-ioncam a shaothraíonn tuismitheoir nó caomhnóir le hiarratasóir a chur san áireamh nuair atá an t-ioncam teaghlaigh á mheasúnú. Sa chás seo, áfach, dúirt SUSI nach bhféadfaí ioncam leasathair an chailín a chur san áireamh mar nár cuireadh 'leasathair' ar áireamh sa sainmhíniú ar 'tuismitheoir nó caomhnóir' ina reachtaíocht. Ba é éirim an ghearáin a rinne an mac léinn ná gurbh é aidhm an deontais tacaíocht a thabhairt do mhic léinn ó theaghlaigh ar ioncam íseal agus go mbeadh mic léinn ó theaghlaigh ar an acmhainn chéanna i dteideal an deontais dá mba rud é go bhfuil a dtuismitheoirí 'nádúrtha' pósta lena chéile agus in aontíos fós.

Scrúdú

Rinne an mac léinn iarratas ar an 'Deontas Ráta Speisialta'. Le go mbeidh mac léinn i dteideal an deontais, ní mór an t-ioncam teaghlaigh a bheith faoi bhun suim shonraithe agus ní mór do thuismitheoir nó caomhnóir leis an mac léinn a bheith ag fáil 'íocaíocht cháilitheach', lena n-áirítear íocaíochtaí áirithe leasa shóisialaigh.

I gcás an mhic léinn, bhí ioncam an teaghlaigh faoi bhun na tairsí agus bhí an teaghlach ag fáil íocaíocht leasa shóisialaigh, mar atá an Forlónadh Ioncam Teaghlaigh. Bhí an

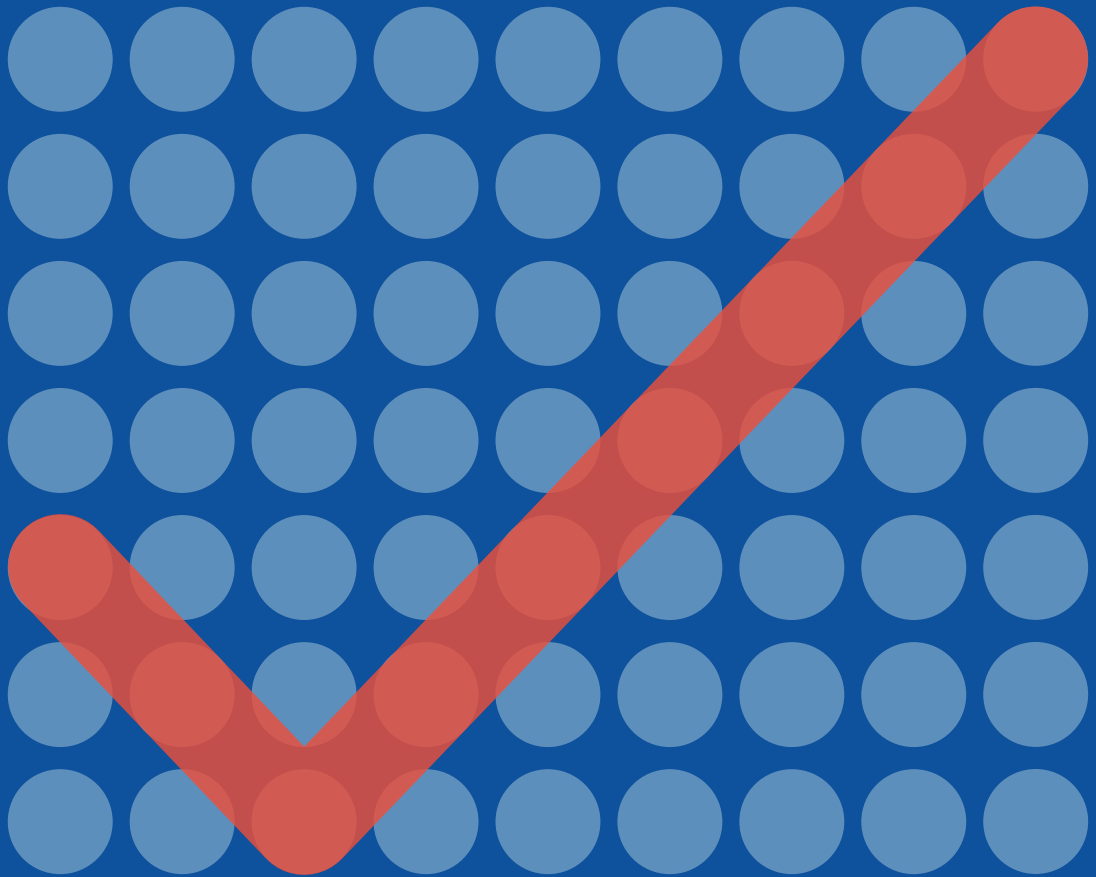
Forlónadh loncam Teaghlaigh á íoc in ainm an leasathar thar ceann an teaghlaigh, áfach. Bhí SUSI den tuairim nach raibh máthair an mhic léinn ag fáil íocaíocht cháilitheach mar gurb amhlaidh nach raibh a leasathair ar áireamh sa sainmhíniú ar 'tuismitheoir' agus gur ina ainm a bhí an Forlónadh loncam Teaghlaigh. Ní raibh an mac léinn i dteideal an Deontais Ráta Speisialta, dá bhrí sin.

Nuair a rinne an tOmbudsman teagmháil leis an Roinn Coimirce Sóisialaí, dúirt an Roinn go meastar fear céile agus bean chéile a bheith ina gcomhiarratasóirí a bhfuil na hoibleagáidí agus na freagrachtaí céanna orthu faoin scéim, cé nach bhfuil Forlónadh loncam Teaghlaigh iníoctha ach le hiarratasóir amháin. Ag féachaint do na cúinsí, mheas an tOmbudsman nach raibh sé cothrom diúltú don iarratas ar an deontas mac léinn.

Toradh

Dámhadh íocaíocht €2,890 don mhac léinn tar éis don Ombudsman dul i mbun plé leis an Roinn Coimirce Sóisialaí agus leis an Roinn Oideachais agus Scileanna.

Leasaigh an Roinn Oideachais agus Scileanna an reachtaíocht ó shin i leith mar thoradh ar ghearáin den chineál céanna a rinneadh leis an Ombudsman. Fágann sé sin go meastar príomhshaothraí an teaghlaigh agus a chéile/céile nó a pháirtneir/páirtneir iad féin a bheith ag fáil íocaíocht cháilitheach i gcás Forlónadh loncam Teaghlaigh, beag beann ar cé acu atá nó nach bhfuil siad ar an duine a n-íoctar an Forlónadh loncam Teaghlaigh leis/léi.



04

Rudaí a Chur ina gCeart trí
Sheirbhísí Poiblí a Fheabhsú

Caibidil 4: Rudaí a Chur ina gCeart trí Sheirbhísí Poiblí a Fheabhsú

Ceann amháin dár gcuspoirí straitéiseacha is ea feabhsuithe sa mhórsheirbhís poiblí a bhrú chun cinn. Déanaimid é sin ar roinnt bealaí. Má bhíonn ceacht le foghlaim ó na gearáin aonair a scrúdaímid, cuirimid an méid sin in iúl don soláthraí seirbhíse lena mbaineann. In amanna, is féidir le gearán aonair nó grúpa gearán béim a leagan ar fhadhb shistéamach. Má réitítear an tsaincheist sin, d'fhéadfadh sé sin dul chun tairbhe do líon mór daoine atá ag déileáil leis an soláthraí seirbhíse agus a chinntiú nach dtiocfadh gearáin chosúla chun cinn sa todhcháí. Phléamar i gCaibidil 2 roinnt de na fadhbanna sistéamacha a d'aimsíomar sa bhliain 2016. Mar sin féin, comhroinnimid ar bhealaí eile freisin an fhoghlaim a ghnóthaímid ó ghearáin, mar shampla trí Chásleabhar an Ombudsman, i gcrúinnithe le soláthraithe seirbhíse áitiúla agus trí threoir ghinearálta a eisiúint chuig soláthraithe seirbhíse.

4.1 Cásleabhar an Ombudsman

Táim ag obair ó ainmníodh mar Ombudsman mé an fhoghlaim ó chásanna a bhreithnigh an Oifig seo a dhéanamh níos sorochtana.

Ceann de na bealaí a dhéanaim amhlaidh is ea trí Chásleabhar an Ombudsman. Is foilseachán ráithiúil é.

Cuirtear achoimrí ar fáil sa Chásleabhar ráithiúil ar chásanna ar dhéileálamar leo sna míonna roimhe san Oifig. Déantar cur síos ann ar ghearáin ar fud na réimsí go léir lena ndéileálann an Oifig, amhail Sláinte, Leas Sóisialach, Oideachas, Rialtas Áitiúil, Talmhaíocht, Cánachas agus Tithe Altranais.

Scaiptear é i bhformáid dhigiteach ar bhreis agus 2,500 oifigeach i soláthraithe seirbhíse poiblí, ar chomhaltaí den Oireachtas agus ar ionadaithe poiblí eile. Tá sé ar fáil ar shuíomh Gréasáin na hOifige seo freisin ag www.ombudsman.ie.

Tá an-ghlacadh i measc soláthraithe seirbhíse poiblí agus ionadaithe poiblí leis an gCásleabhar.

D'fhoilsigh mé an naoú heagrán de Chásleabhar an Ombudsman i mí na Nollag 2016. Chomh maith leis sin, d'fhoilsigh mé eagrán speisialta Chiarraí den Chásleabhar. Cuirtear achoimrí ar fáil ann ar ghearáin a fuair an Oifig ón gcontae sin agus foilsíodh é i gcomhthráth lenár nImeacht For-rochtana i gCiarraí i mí Mheán Fómhair 2016. I mí Dheireadh Fómhair 2016, d'fhoilsigh mé eagrán speisialta 'Údaráis Áitiúil' den Chásleabhar. Cuirtear achoimrí ar fáil ann ar na gearáin a fhaighim faoi shaincheisteanna údaráis áitiúil amhail Tithíocht agus Pleanáil. Scaipeadh an Cásleabhar sin go leathan ar oifigh thábhachtacha ar fud na hearnála údaráis áitiúil. Is é an aidhm atá leis foghlaim ó na nithe a n-éiríonn leo agus na nithe nach n-éiríonn leo san earnáil údaráis áitiúil.



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A lesson learned

>Welcome to the first edition of The Ombudsman's Casebook in 2017. This edition includes the usual wide variety of cases drawn from across public services in Ireland. I hope that you find them of interest and that there is useful learning from them. This quarter, I have focused on education cases in my introduction.

My Office deals with a considerable number of cases in the education sector from students who are 18 or above, and includes cases involving providers of higher education services. The cases range from issues about grants, to access to third level education and to exam results.

In cases about exam results we are reluctant to challenge the assessment of professional examiners, and will normally confine our consideration to the administration of the exams, although we could obviously intervene if there were a glaring error.

There are various education schemes designed to level the playing field for people who because of factors including disability or lack of income would otherwise struggle to go on to third level education.

These schemes are essential in achieving fair access for all. The schemes are generally well administered, but when things do not work as expected, it is very useful for applicants to be able to complain to my Office.

If we find that the outcome was not appropriate, we can then seek redress for the individual student and, if necessary ask for changes to the grant scheme or its administration to avoid any repetition.



Ombudsman Peter Tyndall

Two of the cases in this Casebook concern the DARE scheme. The Disability Access Route to Education (DARE) is a third level alternative admissions scheme for school-leavers whose disabilities have had a negative impact on their second level education. DARE offers reduced point places to school leavers who as a result of having a disability have experienced additional educational challenges in second level education.

The scheme is topical at the moment as the closing date for the current round is 1 March 2017.


Peter Tyndall January 2017

**Cásleabhar sa
Gheimhridh 2016**

4.2 Rudaí ina gCeart timpeall na tíre

Cé gur féidir gearáin a dhéanamh leis an Oifig seo trí dhul i dteagmháil linn trí litir nó ríomhphost, ar líne agus go pearsanta ag ár n-oifig i mBaile Átha Cliath, is eol dom go bhfuil fonn ar roinnt mhaith daoine bualadh linn go pearsanta lasmuigh de Bhaile Átha Cliath agus go dteastaíonn cabhair lena ngearán uathu. Tá fonn orm freisin dul i dteagmháil le hionadaithe poiblí agus leis an iomad soláthraí seirbhíse poiblí atá lonnaithe timpeall na tíre. Dá bharr sin, réachtálar roinnt imeachtaí 'réigiúnacha' sa bhliain 2016.

Imeacht For-rochtana i gCiarraí, 2016

Reáchtáil an Oifig seo mórimeacht for-rochtana i dTrá Lí, Contae Chiarraí, an 22 Meán Fómhair agus an 23 Meán Fómhair 2016. Bhí roinnt tionscnamh i gceist leis an imeacht thar an dá lá:

i. Comhdháil: 'Foghlaim ó Ghearáin na Ríochta: Conas is féidir le gearáin seirbhísí poiblí a fheabhsú'

Ar na daoine a d'fhreastail ar an gcomhdháil leathlae seo bhí oifigigh thábhachtacha ó sholáthraithe seirbhíse poiblí i gCiarraí, amhail FSS, ospidéal agus údaráis áitiúla. D'fhreastail roinnt Teachtaí Dála áitiúla agus ionadaithe ó ghrúpaí deonacha uirthi freisin. Thug mise agus beirt de mo chuid oifigeach breac-chuntas ar na cineálacha gearáin a fhaighimid ó Chontae Chiarraí, ar aidhm Chásleabhar an Ombudsman, rud is foilseachán ráithiúil, agus ar conas is féidir linn oibriú le chéile chun soláthar na seirbhísí poiblí a fheabhsú. Chuamar i mbun plé rídhearfach leis na daoine a d'fhreastail. Ba cheart go rachadh sé sin chun tairbhe don obair a dhéanfaidh gach duine dinn sa todhchaí.

ii. Cruinnithe le soláthraithe seirbhíse poiblí áitiúla

Bhuail mé leis an lucht ardbhainistíochta in Ospidéal Ollscoile Chiarraí, i gComhairle Contae Chiarraí agus in Ionad Intreo i dTrá Lí agus mé i gContae Chiarraí. Phléamar na deacrachtaí a ndéileálann soláthraithe seirbhíse poiblí leo i gCiarraí agus, i gcás Ospidéal Ollscoile Chiarraí, phléamar na moltaí in Foghlaim ar son Feabhais, tuarascáil imscrúdaithe ón Oifig seo.

iii. Seisiún oiliúna don fhoireann in Ionaid Eolais do Shaoránaigh i gContae Chiarraí

Cuireann Ionaid Eolais do Shaoránaigh (CICanna) seirbhís shármhaith do dhaoine ar fud na tíre, lena n-áirítear comhairle agus cabhair a chur ar fáil do bhaill den phobal agus iad ag déileáil le soláthraithe seirbhíse poiblí faoi mo dhlínse. Thapaíomar an deis i gCiarraí le míniú a thabhairt d'fhoireann na CICanna i gCiarraí ar na cineálacha gearáin a ndéileálaimid leo agus conas is féidir leo gearáin a ghlacadh ón bpobal thar ár gceann. Imeacht rí-úsáideach a bhí san imeacht sin agus táimid ag súil le hoibriú go dlúth leis na CICanna sa todhchaí le leas an phobail.



An Teachta Dála John Brassil, Moira Murrell, Príomhfheidhmeannach Chomhairle Contae Chiarraí agus Peter Tyndall, an tOmbudsman, ag an gComhdháil i dTrá Lí.

iv. Seirbhís glactha gearán don phobal

Reáchtáil baill foirne ón Oifig seo clinic lae iomláin i dTrá Lí chun gearáin a ghlacadh ón bpobal agus comhairle agus cúnamh a chur ar fáil do ghlaiteoirí. Bhí áthas orm go rabhamar in ann cabhrú le líon measartha ard daoine agus luaigh gach duine de na cuairteoirí faoi na buntáistí a bhaineann le bheith ábalta bualadh lenár bhfoireann agus ár gcuid seirbhísí a úsáid go pearsanta.

Tá áthas orm a rá go bhfuairamar aiseolas rídhearfach ó na daoine ar bhuaileamar leo agus tá sé beartaithe againn imeacht den chineál céanna a eagrú in áit eile sa tír sa bhliain 2017.

Cuairteanna ar na hIonaid Eolais do Shaoránaigh (CICanna)

Chun rochtain a fheabhsú do dhaoine atá ina gcónaí lasmuigh de Bhaile Átha Cliath, tugann baill foirne ón Oifig seo cuairt ar Ionaid Eolais do Shaoránaigh (CICanna) chun gearáin a fháil ó dhaoine den phobal. Cuireann cuairteanna míosúla ar Chorcaigh, ar Luimneach agus ar Ghaillimh seirbhís luachmhar áitiúil ar fáil, ar seirbhís í atá éasca le rochtain do dhaoine atá ina gcónaí ann.

Le linn na bliana 2016, bhí foireann an Ombudsman ar fáil ar 35 ócáid chun comhairle agus cúnamh a sholáthar agus gearáin a fháil ón bpobal.

CIC Luimnigh sa bhliain 2016

Fuarthas 37 ngearán.

CIC na Gaillimhe sa bhliain 2016

Fuarthas 41 ghearán

CIC Chorcaí sa bhliain 2016

Fuarthas 84 ghearán.

Thug ár gcuairteanna ar na CICanna deis dúinn chomh maith cúnamh a thabhairt do gheall le 200 duine eile nach raibh a ngearáin laistigh dár sainchúram nó nár phléigh an tsaincheist leis an soláthraí seirbhíse poiblí ar an gcéad dul síos.

Oiliúint d'Fhoireann na CICanna

Seachas ár gcuairteanna míosúla, thugamar faisnéis agus treoir d'fhoireann na CICanna i nGaillimh, i Luimneach agus i gCorcaigh maidir le gearáin a ghlacadh agus le ról an Ombudsman. Leis an oiliúint sin, cuireadh ar chumas fhoireann na CICanna comhairle a thabhairt do chuireoirí ar CICanna maidir le conas gearán a dhéanamh agus le cé acu ba cheart nó nár cheart gearán a tharchur chuig an Ombudsman.

Rannpháirtíocht i dTaispeántais

1. Taispeántas um Oideachas agus Oiliúint Aosach Chorcaí

Is le fada atá an Oifig ag freastal ar an taispeántas dhá lá seo a chuirtear ar siúl i mí Mheán Fómhair gach bliain. Bhí sé úsáideach freastal air chun ról agus feidhm na hOifige a chur chun cinn i réigiún an Deiscirt.



Claire Kelly, Rebecca Connolly agus Orla Cafferky ó Oifig an Ombudsman ag an Seó do Dhaoine os cionn 50 Bliain d'Aois i mBaile Átha Cliath

2. Seónna do Dhaoine os cionn 50 Bliain d'Aois i nGaillimh agus i mBaile Átha Cliath

Is imeacht mórélímh é an Seó do Dhaoine os cionn 50 Bliain d'Aois ar a bhfreastalaíonn timpeall 23,000 duine thar trí lá. Bhí baill foirne i láthair ag seónna i nGaillimh agus i mBaile Átha Cliath araon chun ceistanna a fhreagairt maidir le ról na hOifige agus chun comhairle agus cúnaimh a chur ar fáil do dhaoine den phobal.

Ba mhaith liom buíochas a ghabháil leo siúd ar fad a bhí páirteach inár gclár For-rochtana le linn na bliana 2016. Mar is gnách, tugann m'fhoireann ár seirbhís go díreach chuig an bpobal ar bhealach cúirtéiseach gairmiúil.

4.3 Rudaí a Chur ina gCeart trí dhlínse an Ombudsman a leathnú chuig gach seirbhís phoiblí

Soláthar Díreach

Mar a thuairiscigh mé sa Tuarascáil Bhliantúil uaim don bhliain 2015 (leathanach 20), bhíothas ag cur deireadh leis an mbac a bhí ag cur cosc orm gearáin a ghlacadh faoi riar laethúil na n-ionad soláthair dhírigh. Tugadh é sin chun críche i mí Aibreáin 2017.

Roimh an dáta sin, chuir an Oifig seo foireann thiomnaithe tionscadail ar bun agus thosaigh sí ag tabhairt faoi chlár cuimsitheach ullmhúcháin go mall sa bhliain 2016. Leanadh leis


an obair sin go luath sa bhliain 2017. Áiríodh leis an gclár 'Bileog Eolais' mhionsonraithe a ullmhú ar Sholáthar Díreach. Tugtar míniú sa bhileog eolais ar obair na hOifige seo agus ar conas is féidir le cónaitheoirí agus le daoine eile gearáin a dhéanamh faoi riar na n-ionad soláthair dhírigh.

Táimid ag tabhairt cuairt ar ionaid timpeall na tíre chun bualadh le baill foirne agus le cónaitheoirí. Is é aidhm na gcuairteanna sin a mhíniú cad a dhéanaimid agus conas a dhéanaimid é. Chomh maith leis sin, bhíomar i mbun plé leis an nGníomhaireacht Fáiltithe agus Imeasctha, ar comhlacht de chuid na Roinne Dlí agus Cirt agus Comhionannais é. Anuas air sin, bhí baint ag foireann na hOifige seo le hoiliúint i láimhseáil gearán a chur ar bhainisteoirí ionaid agus i mbaill foirne de chuid na Gníomhaireachta Fáiltithe agus Imeasctha. Tá sé beartaithe againn dul i dteagmháil le heagraíochtaí neamhrialtasacha ábhartha freisin.

Ba mhaith liom buíochas a ghabháil leis an Tánaiste agus le foireann na Roinne as a gcuid oibre ar an tsaincheist sin.


FACTSHEET

The Ombudsman
and complaints about the
Direct Provision system



Óifig an Ombudsman
Office of the Ombudsman


This factsheet tells you what you can do if you are living within the Direct Provision system and you have a complaint.



What can the Ombudsman do?

For those living in the Direct Provision system, the Ombudsman can examine complaints about certain actions of:

- Accommodation Centres
- The Reception and Integration Agency (RIA)




When should I complain to the Ombudsman?

Before you complain to the Ombudsman, you must first complain to the manager of the Accommodation Centre.

If you are unhappy with the way your complaint has been dealt with by the manager of the Accommodation Centre, you can take it to the Reception and Integration Agency (RIA). If you are still unhappy after the RIA's examination, you can then contact the Ombudsman. When making a complaint to the Ombudsman, you should set out the reason(s) why you are unhappy and what you feel should be done to put things right.

You should submit your complaint within 12 months of the action or decision that has adversely affected you. However, even if more than 12 months has passed, we may still be able to help if there is a good reason for the delay.



Plain English
Approved by NALA

www.ombudsman.ie

Bhileog Eolais

Príosúin

Is é mo thuairimse gur cheart deireadh a chur leis an srianadh dlíthiúil lena gcuirtear cosc ar an Oifig seo gearáin faoi sheirbhís príosún na hÉireann a ghlacadh.

I mí Aibreáin 2016, d'fhoilsigh an Breitheamh Michael Reilly (nach maireann), an Cigire Príosún ag an am, tuarascáil inar cáineadh an córas reatha maidir le gearáin seirbhíse

príosún go mór. Dúirt sé nach bhfuil an córas neamhspleách i ndáiríre agus nach bhfuil sé ag teacht le hoibleagáidí idirnáisiúnta na hÉireann.

Ag teacht sna sála ar an tuarascáil, d'fhógair Frances Fitzgerald, an Tánaiste agus an tAire Dlí agus Cirt agus Comhionannais, gur cheart do phríosúnaigh bheith in ann a iarraidh go ndéanfadh an Oifig seo imscrúdú neamhspleách ar a ngearáin. D'fháiltigh mé go croíúil roimh an bhfógra sin.

Beidh sé faoin Aire Caiteachais Phoiblí agus Athchóirithe, tar éis próiseas comhairliúcháin a eagrú, leasú ar an reachtaíocht Ombudsman a mholadh chun leathnú na dlínse a cheadú. Beidh sé riachtanach freisin leasú a dhéanamh ar reachtaíocht reatha eile a bhaineann leis an tseirbhís príosún.

Tá méid suntasach oibre ullmhúcháin eile á dhéanamh ag an Oifig seo chun ullmhú don leathnú. Áirítear leis an obair sin cruinnithe le hoifigigh shinsearacha ó Sheirbhís Phríosúin na hÉireann agus ón Roinn Dlí agus Cirt agus Comhionannais maidir leis na córais reatha áitiúla láimhseála gearán i bpríosúin a athbhreithniú agus a fheabhsú. Ba mhaith liom a chur in iúl go poiblí gur mór agam an rannpháirtíocht dhearfach oscailte a ghlac Seirbhís Phríosúin na hÉireann agus an Roinn ina bplé leis an Oifig seo.

Seimineár 'Ombudsman Behind Bars': Gearáin faoin tSeirbhís Príosún

Mar ullmhúchán do leathnú mo dhlínse chuig gearáin phríosúin, bhí an-áthas orm bheith in ann an Seimineár Príosún dar teideal 'Ombudsman Behind Bars' a óstáil i gcomhar le Cruinniú agus Comhdháil Bhliantúil Chumann na nOmbudsman. Le linn an tseimineáir, leagadh béim ar an ngá atá ann le córas neamhspleách gearán a bhunú. Chomh maith leis sin, iniúchadh eispéireas na n-ombudsman eile sa réimse sin.

Ba é an Breitheamh Michael Reilly nach maireann, an Cigire Príosún, an spreagchainteoir. Mhol sé gur cheart don Ombudsman bheith in ann gearáin ó phríosúnaigh a scrúdú. Ar na daoine eile a thug aitheasc sa seimineár bhí Howard Sapers, an tImscrúdaitheoir Ceartúcháin do Cheanada, an Dr Niall Muldoon, an tOmbudsman do Leanaí, agus Niki Maclean, Stiúrthóir Ombudsman Seirbhísí Poiblí na hAlban.

Bhí ionadaithe tábhachtacha don phobal príosúin i láthair ag an seimineár, lena áiríodh an Roinn Dlí agus Cirt agus Comhionannais, Cumann na nOifigeach Príosúin, gobharnóirí príosúin, Coistí Cuairte Príosúin agus eagraíochtaí neamhrialtasacha.

Ghlac an lucht freastail go han-dearfach leis an seimineár. Ba mhaith liom buíochas a ghabháil leis na cainteoirí agus na rannpháirtithe go léir. Ba mhaith liom aitheantas a thabhairt do thiomantas agus dúthracht an Bhreithimh Reilly nach maireann go háirithe as a chuid oibre mar Chigire Príosún.

Breithiúnas Cliniciúil

Faoin Acht Ombudsman, 1980 (arna leasú), ní ceadmhach dom gearáin faoi thithe altranais príobháideacha nó faoi Fheidhmeannacht na Seirbhíse Sláinte a fhiosrú i gcásanna nach

mbaineann an gníomh a ndearnadh gearán faoi ach le cinneadh 'breithiúnais chliniciúil'.

Is féidir a fheiceáil sna cásanna cúraim agus cóireála a d'fhoilsigh an Oifig seo thar na blianta go bhfágann an srianadh nach féidir liom scrúdú cuimsitheach a dhéanamh ar roinnt mhaith gearán den sórt sin. Is cúis frustrachais é sin do ghearánaigh agus fágann sé nach dtugtar freagra ar an-chuid dá gceisteanna.

I gcomhairle leis an Roinn Caiteachais Phoiblí agus Athchóirithe agus le páirtithe leasmhara eile, tá an Roinn Sláinte ag leanúint lena próiseas comhairliúcháin maidir le cé acu ba cheart nó nár cheart an srianadh reatha a bhaint. Táim ag súil go dtabharfar an t-ábhar sin chun críche sa bhliain 2017.

4.4 Treoir do Sholáthraithe Seirbhíse Poiblí maidir le Leithscéal a Ghabháil

Chuir an Oifig seo roinnt doiciméid treorach le chéile arb é an aidhm atá leo cabhrú le soláthraithe seirbhíse poiblí feabhas a chur ar sholáthar seirbhísí. D'eisigh mé 'Treoir maidir le Leithscéal Dáiríre a Ghabháil' sa bhliain 2016.

A lán daoine a dhéanann gearán chuig an Oifig seo, insíonn siad dom go bhfuil siad ag iarraidh go n-admhóidh an soláthraí seirbhíse go ndeachaigh rud éigin amú agus go bhfaighidh siad leithscéal dáiríre as sin. Insíonn daoine dúinn gur mhaith leo go n-éistfear leo. Ba mhaith leo dearbhú a fháil gur foghlaimíodh ceachtanna agus nach ndéanfar an botún céanna arís.

Mínítear sa Treoir cad is leithscéal dáiríre ann, cé na nithe is gá a lua sa leithscéal agus cé na tairbhí a bhaineann le leithscéal ceart a ghabháil. Fuair mé amach go bhféadfaí gearáin a sheachaint i gcuid mhór cásanna dá ngabhadh ball foirne ar an líne thosaigh nó bainisteoir sinsearach a leithscéal sa chéad áit.

Tá an Treoir ar fáil ar shuíomh Gréasáin na hOifige seo.



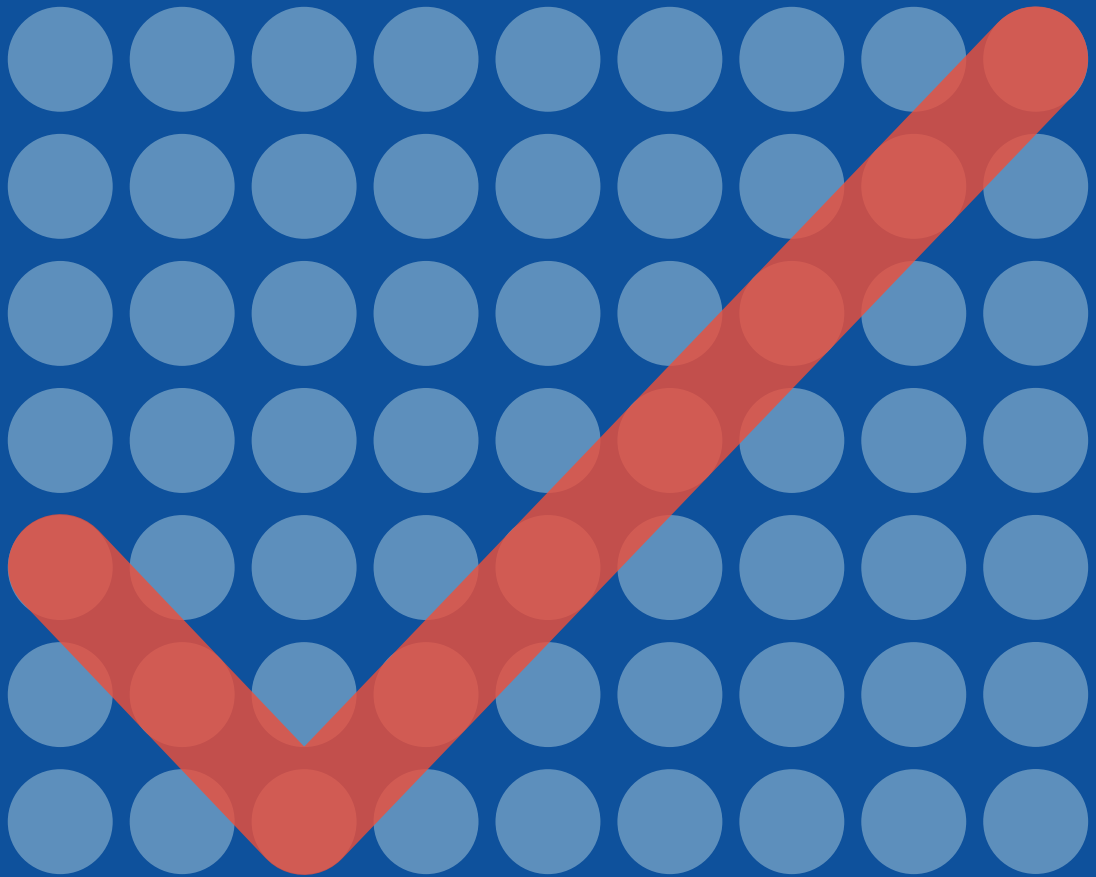
“Nílimse agus níl mo theaghlach in ann go leor buíochais a ghabháil leat as gach a ndearna tú ar ár son. Lean tú le cás an uncail liom agus d’éirigh leat torthaí a bhaint amach agus freagraí a fháil dúinn. Is mór againn an t-am agus an dua a chuir tú isteach ann”

-Gearánach.



“Is cinnte gur sampla iontach de Sheirbhís Phoiblí agus cuid dhílis di thú. Má theastaíonn uaim choíche go mbreithneoidh Oifig an Ombudsman ábhar a bhfuil a haird tarraingthe agam air, tá súil agam go mbeidh an t-ádh orm gur tusa an duine a roghnófar chun déileáil leis an gcomhad.”

-Gearánach.



05

Rudaí a Chur ina gCeart trínár
Seirbhísí a Fheabhsú

Caibidil 5: Rudaí a Chur ina gCeart trínár Seirbhísí a Fheabhsú

5.1 Plean Straitéiseach agus Luachanna 2016-2018

Leis an Ráiteas Straitéise 2016-2018, soláthraítear treochlár le haghaidh straitéis fáis trí bliana don Oifig seo a bhaint amach. Sainaithníodh na cuspóirí ardleibhéil seo a leanas mar nithe príomhúla a bhrúfaidh baint amach fhís na hOifige seo chun cinn:

- Brúfaimid **feabhsuithe sa mhórsheirbhís phoiblí chun cinn**
- Soláthróimid **seirbhís atá dírithe ar chustaiméirí** a léiríonn ár mbunluachanna.
- Déanfaimid **ár gcreataí bainistíochta agus riaracháin a fheabhsú** agus a fhorbairt d'fhonn tacú leis na cuspóirí atá againn feabhas a chur ar an mórsheirbhís phoiblí agus seirbhís shármhaith atá dírithe ar an gcustaiméir a sholáthar.

Chomh maith leis sin, shainaithin an Oifig seo luachanna eagraíochta a leagann amach na cáilíochtaí atáthar ag súil go dtaispeánfaidh foireann na hOifige seo nuair atá siad ag comhlíonadh a gcuid dualgas. Is iad seo na luachanna sin:

- Cothroime
- Neamhspleáchas
- Nuálaíocht
- Díriú ar Chustaiméirí
- Ionbhá



Luachanna eagraíochta an Ombudsman

Chuir pobal tiomnaithe ball foirne ag gach grád na luachanna sin chun cinn ar fud na heagraíochta. Is cuid dhílis d'obair na hOifige seo iad na luachanna. Tá siad leabaithe inár gcuid cleachtas agus córas freisin.

Is féidir a fheiceáil ar fud na Tuarascála Bliantúla seo an dul chun cinn suntasach atá déanta ag foireann na hOifige seo ar Phríomhchuspóirí an Ráitis Straitéise a bhaint amach. I dtús gach bliana, ceapadh Pleananna Gnó lena dtacaítear leis na cuspóirí sin. Rinneadh faireachán inmheánach ar chur chun feidhme na bpleananna sin agus ar a gcomhthéacs laistigh den Ráiteas Straitéise foriomlán. Ina theannta sin, athbhreithníodh iad ar bhonn ráithiúil. Chuir sé sin ar chumas na Foirne Bainistíochta an dul chun cinn a mheasúnú agus a mheas agus coigeartuithe a dhéanamh ar a bPleananna Gnó faoi seach nuair ba ghá.

Táim ag súil leis na nithe seo a leanas a fheiceáil sa bhliain 2017:

- faisnéis bhainistíochta fheabhsaithe chun treochtaí a aithint agus a anailísiú ar bhealach níos éifeachtaí,
- tuilleadh cuíchóirithe a bheith déanta ar an bpróiseas trínár féidir le daoine den phobal gearán a dhéanamh faoi sholáthraithe seirbhíse poiblí agus
- tairbhe a bhaint as ár n-infheistíocht i dteicneolaíocht le haghaidh córais nua chásbhainistíochta agus bhainistíochta doiciméad.

5.2 Alt 42 den Acht fá Choimisiún na hÉireann um Chearta an Duine agus Comhionannas 2014

Leis an Acht fá Choimisiún na hÉireann um Chearta an Duine agus Comhionannas 2014, leagtar dualgas dearfach ar sholáthraithe seirbhíse poiblí aird chuí a thabhairt ar shaincheisteanna a bhaineann le cearta an duine agus le comhionannas.

Tá freagracht ar an Oifig seo as comhionannas a chur chun cinn, as idirdhealú a chosc agus as cosaint a dhéanamh ar chearta daonna ár bhfostaithe, na ngearánach, na n-úsáideoirí seirbhíse agus gach duine a dtéann ár gcuid beartas agus pleananna i bhfeidhm orthu. Is oibleagáid dhlíthiúil í sin, ar a dtugtar an Dualgas Seirbhíse Poiblí, a thagann as alt 42 den Acht fá Choimisiún na hÉireann um Chearta an Duine agus Comhionannas 2014. Téann ról na hOifige seo níos faide ná breithniú a dhéanamh ar an dlíthiúlacht sin, áfach. Cuimsíonn sé freisin breithniú a dhéanamh ar cé acu is amhlaidh nó nach amhlaidh go bhfuil gníomhartha na soláthraithe seirbhíse poiblí cóir agus cothrom. Cuid dhílis d'obair na hOifige seo is ea comhionannas deiseanna agus meas ar chearta an duine a bhaint amach.

Tá an Oifig seo tiomanta do sheirbhís a chur ar fáil dár gcliaint go léir lena dtugtar aird ar a gcearta daonna agus ar an gceart atá acu chun caitheamh cothrom. Baineann sé sin le hábhar freisin maidir leis an dóigh a mbímid i mbun caidreamh lenár bhfoireann féin mar go bhfuil sé bunriachtanach le haghaidh dea-thimpeallacht oibre a chothú ina gcuirtear rannpháirtíocht, oscailteacht agus dínit chun cinn san áit oibre. Léirítear ár gcur chuige go

soiléir lenár mbunluachanna eagraíochta um neamhspleáchas, díriú ar chustaiméirí agus cothroime, nithe atá le feiceáil i gcultúr na hOifige seo, inár mbeartais inmheánacha agus inár gcleachtais inmheánacha. Tá obair réamhghníomhach déanta againn maidir le hoiliúint a chur ar ár mbaill foirne. Leis an oiliúint sin, spreagtar iad dearcadh chearta an duine a chur san áireamh agus cásanna á mbreithniú acu.

5.3 Ár seirbhísí a sholáthar go héifeachtúil: forbairtí TFC

Baineann ríthábhacht le córais agus bonneagar TFC atá cothrom le dáta ionas go mbeimid in ann comhlíonadh a dhéanamh ar ár gcuspóirí i dtaca le seirbhís atá dírithe ar chustaiméirí a sholáthar agus le feabhas a chur ar an mórsheirbhís phoiblí.

Bonneagar TFC

Le linn dúinn plean fairsing athnuachana agus feabhsúcháin TFC a chur chun feidhme, rinneadh dul chun cinn suntasach ar bhonneagar seanchaite TFC a athsholáthar agus ar chórais nua a fháil chun déileáil le gearáin agus le caidreamh le custaiméirí agus le geallsealbhóirí. Tá an Oifig seo tiomanta dá chinntiú go mbainimid an-leas as na teicneolaíochtaí nua sin chun seirbhís níos fearr do chustaiméirí agus bainistíocht eolais níos fearr a sholáthar. Le cur i bhfeidhm na gcóras nua sin sa bhliain 2017, beifear in ann seirbhísí a dhigitiú nuair is cuí agus gnáth-thascanna a uathoibriú, rud lena dtacófar le seirbhís níos éifeachtaí agus níos éifeachtúla a sholáthar. Chomh maith leis sin, beifear in ann iad a úsáid chun saoráidí feabhsaithe a chur ar fáil le haghaidh foghlaim ó ghearáin a aithint, rud a fhéadann feabhsuithe ar sheirbhísí poiblí a bhrú chun cinn.

Suíomh Gréasáin nua an Ombudsman - 2017

Cuireadh tús sa bhliain 2016 le hobair ar shuíomh Gréasáin nua Ombudsman. Mar thoradh ar an obair sin, soláthrófar seirbhísí feabhsaithe ar líne do dhaoine den phobal agus do gheallsealbhóirí eile sa bhliain 2017. Beidh tairseach ar líne ar áireamh sa suíomh Gréasáin nua lena dtabharfar saoráid thapa éifeachtúil le haghaidh gearáin a chur isteach agus a bhainistiú ar líne. Tabharfar aghaidh leis freisin ar an ngá atá ann, dar lenár gcustaiméirí, le saoráid thapa shábháilte le haghaidh sonraí agus doiciméid a sheoladh chugainn.

Tairseach Aonair Gearán le haghaidh Gearáin Earnála Sláinte

Tá sé beartaithe freisin ag an Oifig seo an teicneolaíocht tairsí ar líne sin a úsáid chun feabhas a chur ar an suíomh Gréasáin Healthcomplaints.ie, ar suíomh Gréasáin é a bhfuil



“Go raibh maith agat as an gcabhair agus an tacaíocht ar fad a thug tú dúinn maidir lenár ngearán in aghaidh na Roinne Coimirce Sóisialaí agus as an toradh a bhain tú amach. Go raibh maith agat arís.”

-Gearánach

freagracht ar roinnt gníomhaireachtaí as. Cuirfear ar chumas na ndaoine den phobal leis sin gearáin sláinte poiblí agus cúraim shóisialta a chur isteach ar líne tríd an suíomh Gréasáin Healthcomplaints go díreach.

Inlíon na hOifige

Cuireadh saoráid Inlín i bhfeidhm san Oifig seo ar deireadh thiar sa bhliain 2016. Tá an fhoireann ag baint leas as chun foghlaim a chomhroinnt go himmheánach agus cumarsáid a fheabhsú ar fud na heagraíochta.

5.4 An Próiseas Measúnaithe agus Athbhreithnithe Cáilíochta

Mar chuid dár bplean straitéiseach, bímid ag feabhsú go leanúnach an leibhéal seirbhísí a sholáthraimid agus ag cinntiú go gcuirfidh ár gcórais agus ár bpróisis ar ár gcumas ár gcuspóirí straitéiseacha a bhaint amach. Chun cáilíocht ár n-oibre láimhseála cásanna a chinntiú, thugamar caighdeáin cháilíochta isteach lenár socraíodh cuspóirí i dtaca le cásobair ó thaobh nósanna imeachta, tráthúlachta, cumarsáide agus cruinnis de.

Tá próiseas Measúnaithe Cáilíochta i bhfeidhm againn chun a chinntiú go gcomhlíonaimid ár gcaighdeáin cháilíochta. Gach mí, scrúdaíonn ár bhFoireann Measúnaithe Cáilíochta 15% de na cásanna a dúnadh sa mhí roimhe. Chomh maith leis sin, déanann sí na nithe seo:

- Cásanna a mheasúnú i gcomparáid lenár gcaighdeáin cháilíochta
- Réitigh a shainiú agus a mholadh ar aon fhadhbanna próisis a eascraíonn as iniúchtaí míosúla cáilíochta
- Aiseolas ar chásanna aonair a thabhairt do chásóibrithe.

An Próiseas Athbhreithnithe

Ní féidir achomharc reachtúil a dhéanamh in aghaidh cinnidh ón Ombudsman. I gcúinsí áirithe, d'fhéadfaimis athbhreithniú a dhéanamh ar an dóigh ar scrúdaíomar gearán. Is é oifigeach nach raibh baint aige leis an gcinneadh bunaidh agus atá níos sinsearaí ná an t-oifigeach a scrúdaigh an gearán a dhéanann an t-athbhreithniú. Ní mór iarraidh ar athbhreithniú a sheoladh chugainn laistigh de mhí amháin ónár gcinneadh a fháil.

Ní mór ceann amháin ar a laghad de na nithe seo a leanas a bheith léirithe in iarraidh ar athbhreithniú:

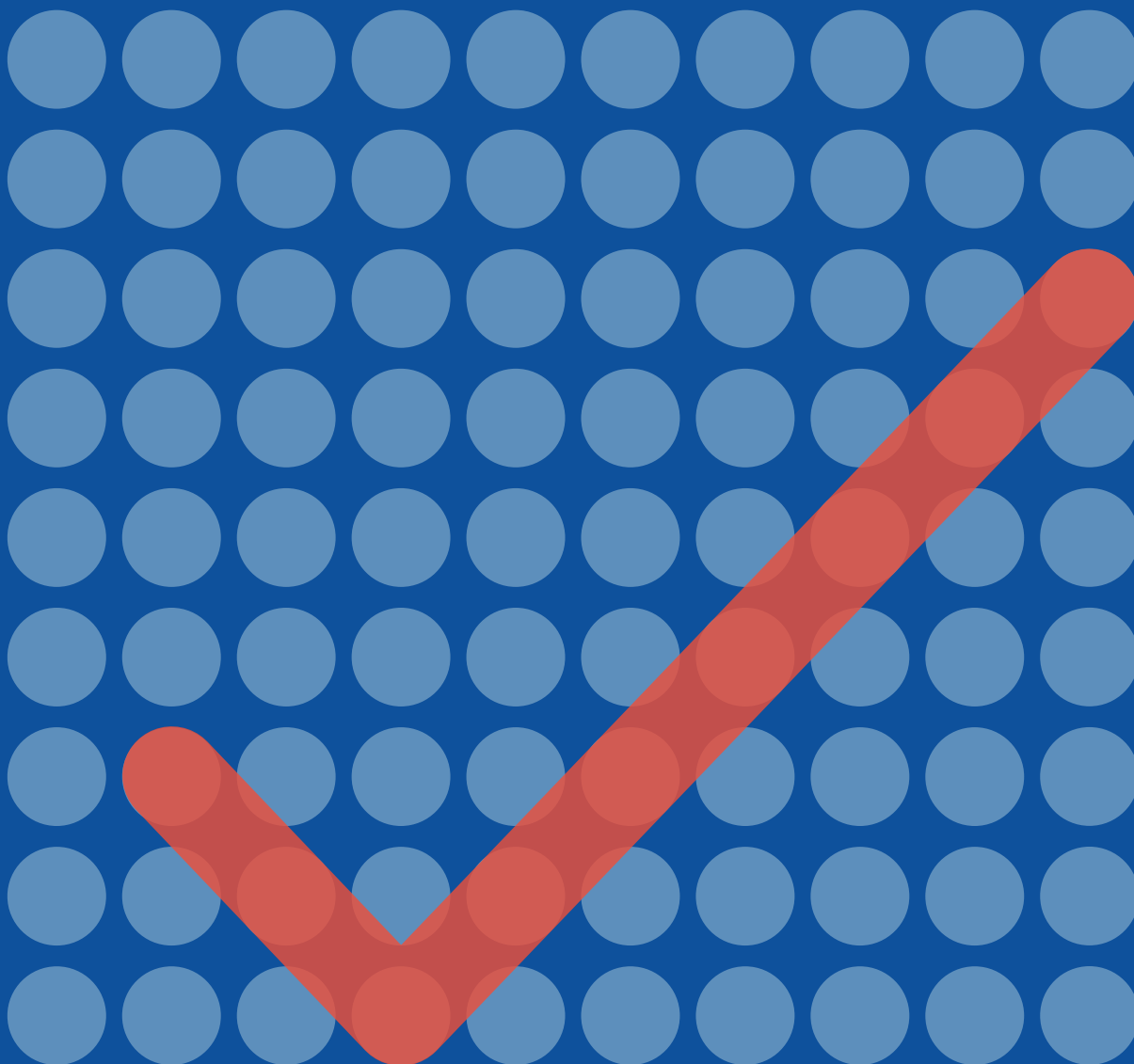
- go bhfuil fianaise/faisnéis ábhartha nua ar fáil anois a bhféadfadh go raibh tionchar aici ar an gcinneadh bunaidh ar an ngearán
- go raibh mainneachtain ann saincheist ábhartha shubstantiúil a scrúdú
- go raibh mainneachtain ann faisnéis ábhartha riachtanach a fháil ón soláthraí seirbhíse poiblí a bhfuil gearán á dhéanamh faoi
- gur baineadh míthuiscint nó míbhrí as an ngearán,
- gur mícheart nó míréasúnta a bhí an cinneadh maidir leis an ngearán a rinneadh nó maidir le cúinsí sonracha an cháis.

Fuaireamar 158 n-iarraidh ar athbhreithniú sa bhliain 2016. Is ionann é sin agus 5% de na cásanna go léir ar dhéileálar leo. Tuairiscímid ar athbhreithnithe go himmheánach agus bainimid úsáid as an bhfoghlaim ó athbhreithnithe chun soláthar ár seirbhíse a fheabhsú.



“Is mór an t-éacht atá bainte amach agaibh chun a chinntiú go gcuirfí athruithe chun feidhme a rachadh chun tairbhe do dhaoine scothaosta laga eile. Is mór an suaimhneas é go bhfuil eagraíocht ann a bhféadaimid cabhair a iarraidh uaithi nuair nach féidir linn ábhair a réiteach inár n-aonar.”

-Gearánach



A

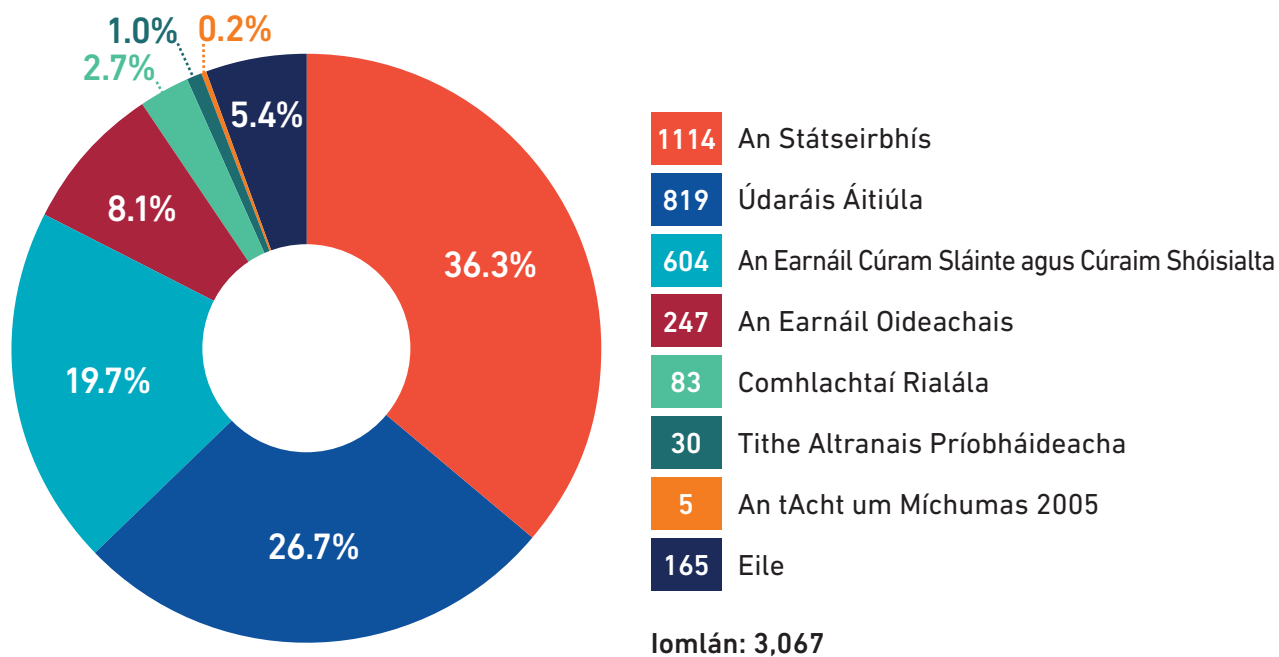
larscríbhinn A: Staitisticí

Iarscríbhinn A: Staitisticí

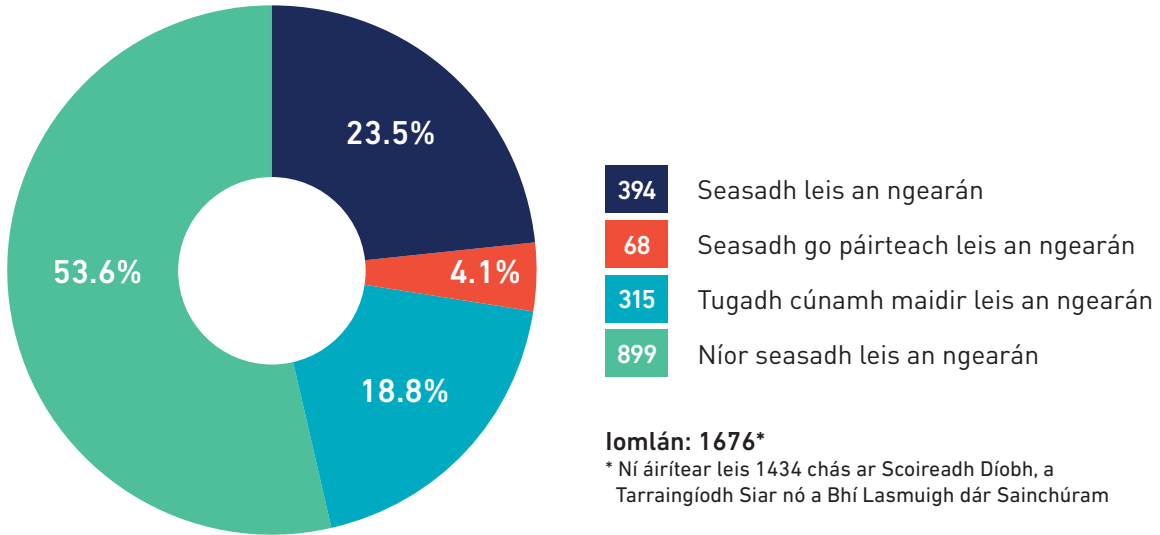
TÁBLA 1 - Iomláin

Gearáin a Tugadh ar Aghaidh ó 2015	691
Gearáin a Fuarthas in 2016 (soláthraithe seirbhíse laistigh dár ndlínse)	3067
Gearáin a Cuireadh i gCrích in 2016	3110
Gearáin a tugadh ar aghaidh go 2017	648
Fiosruithe in 2016	1778
Gearáin a fuarthas in 2016 in aghaidh comhlachtaí atá lasmuigh dár ndlínse (mar shampla, bainc, cuideachtaí príobháideacha)	755

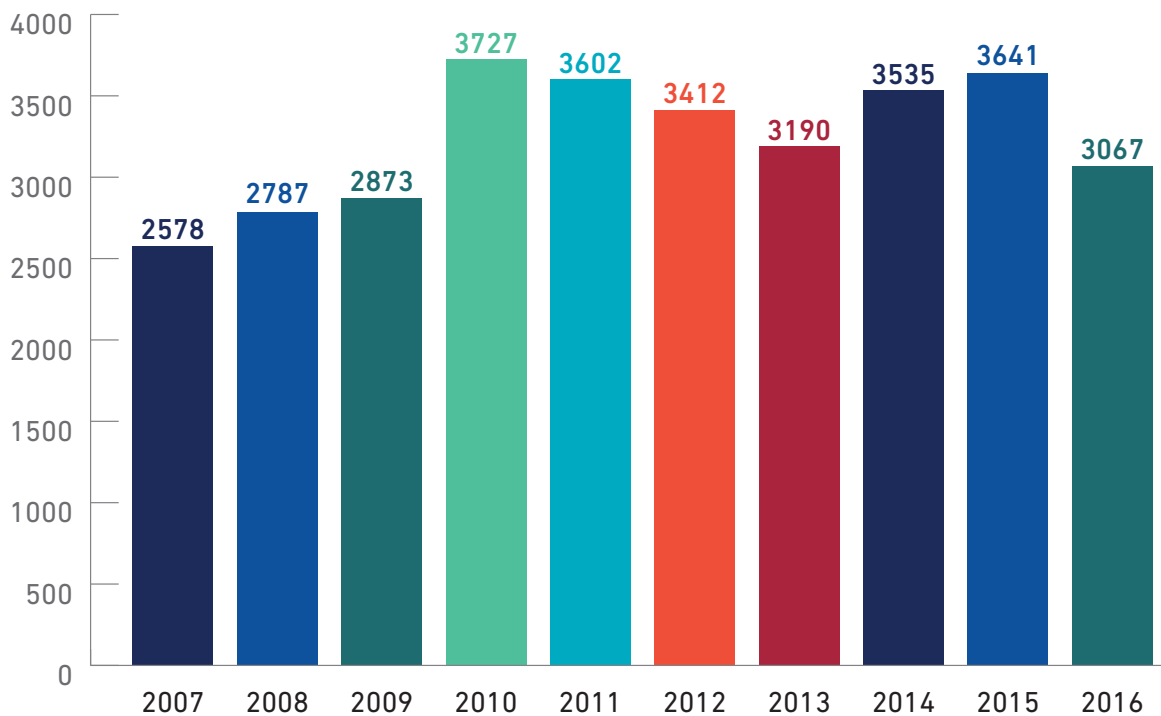
TÁBLA 2 - Gearáin a Fuarthas de réir Earnála



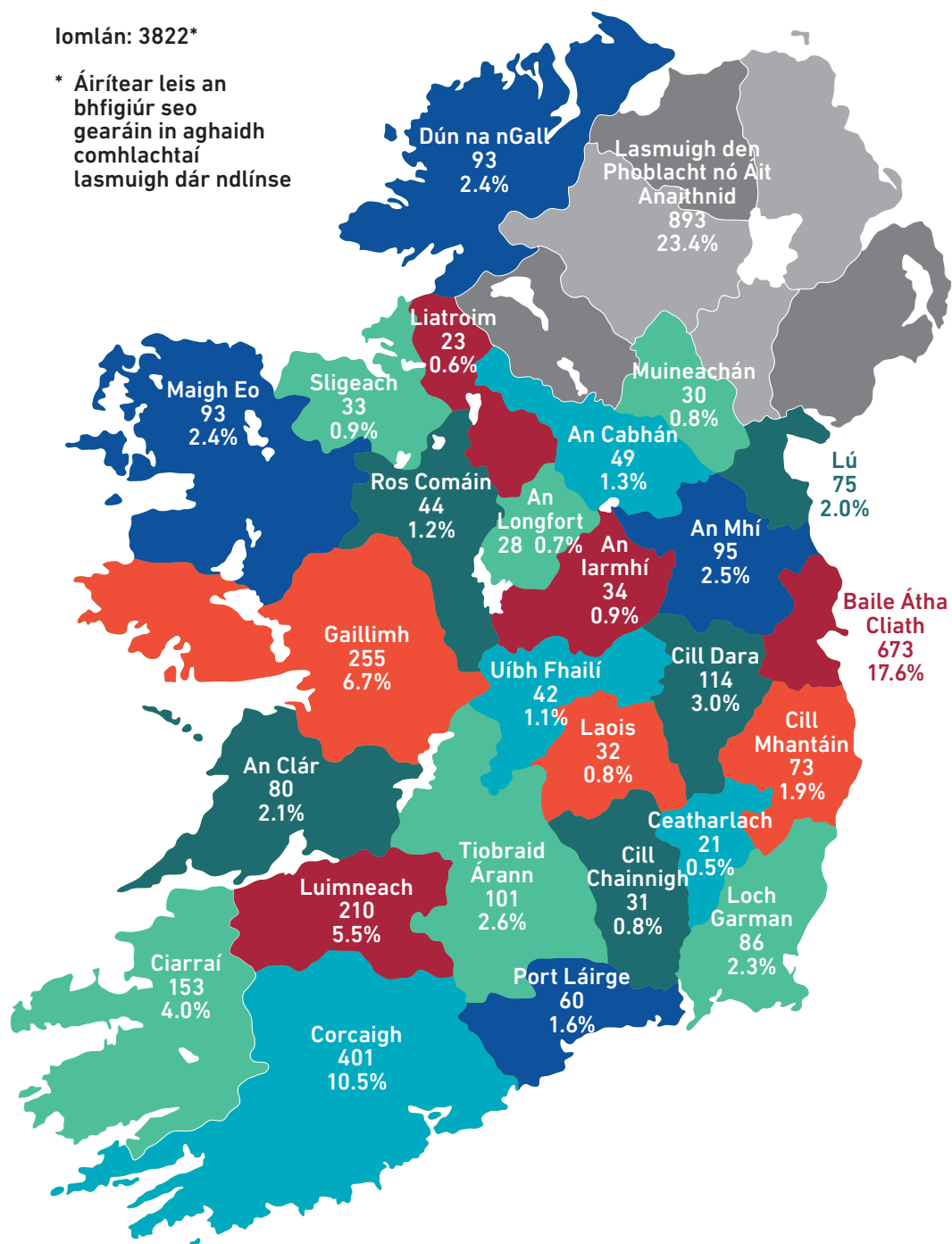
TÁBLA 3 - Gearáin a Cuireadh i gCrích de réir Toraidh



TÁBLA 4 - Treocht 10 mBliana maidir leis na Gearáin a Fuarthas



TÁBLA 5 - Gearáin a Fuarthas de réir Contae



TÁBLA 6 - Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
An Roinn Coimirce Sóisialaí	679	75	4	50	85	223	211	15	663
An Roinn Talmhaíochta, Bia agus Mara	129	15	0	5	13	15	70	11	129
Na Coimisinéirí Ioncaim	94	8	2	8	17	35	22	4	96
An Roinn Dlí agus Cirt agus Comhionannais	67	8	1	2	5	3	5	47	71
An Roinn Gnóthaí Eachtracha agus Trádála	31	4	0	5	6	11	3	2	31
An Roinn Oideachais agus Scileanna	30	2	0	0	3	4	3	22	34
An Roinn Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil	16	1	0	4	3	1	12	2	23
An tÚdarás Clárúcháin Maoine	14	1	0	0	2	4	7	2	16
An Roinn Iompair, Turasóireachta agus Spóirt	14	2	0	1	1	5	3	2	14

TÁBLA 6 - Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
An Roinn Ealaíon, Oidhreachta agus Gaeltachta	9	3	0	1	0	0	4	1	9
An Roinn Airgeadais	6	0	0	0	1	0	1	4	6
Oifig na nOibreacha Poiblí	4	0	0	0	1	1	1	0	3
An Roinn Sláinte	4	1	0	1	0	0	0	2	4
Oifig an Ard-Chláraitheora	4	0	0	2	1	1	0	0	4
An Státseirbhís (Eile)	13	3	0	1	2	0	5	6	17
Iomlán	1114	123	7	80	140	303	347	120	1120

TÁBLA 6(a) - An Roinn Coimirce Sóisialaí - Gearáin a Fuarthas in 2016

Íocaíochtaí Dífhostaíochta	128
Íocaíochtaí Míchumais, Easláine agus Máithreachais	92
Liúntas Leasa Forlíontach	91
Pinsin Seanaoise agus Scoir	86
Íocaíochtaí Cúramóra	57
ÁSPC	38
Scéimeanna um Fhilleadh ar an Obair/Oideachas	37
Forlíonadh Ioncam Teaghlaigh	29
Ilghnéitheach (nach n-áiríonn íocaíochtaí)	25
Íocaíocht Baintrí agus Teaghlaigh Aontuismitheora	24
An Scéim Liúntais Bhreosla agus Scéimeanna Saor in Aisce	19
Sochar Linbh	16
Scéimeanna Oiliúna/Fostaíochta	15
Íocaíochtaí Iomarcaíochta	9
Íocaíochtaí Eile	7
Sochar Díobhála Ceirde	6
Iomlán	679

TÁBLA 6(b) - Oifig na gCoimisinéirí Ioncaim - Gearáin a Fuarthas in 2016

Cáin Ioncaim	40
Cáin Mhaoine Áitiúil	13
Cáin Bhreisluacha	11
Ilghnéitheach	10
Custam agus Mál	4
Cáin Chláraithe Feithiclí	3
Cáin Fáltas Caipitiúil	3
Tiománaithe faoi Mhíchumas agus Paisinéirí faoi Mhíchumas (Lamhátais Chánach)	3
Cáin Ghnóthachan Caipitiúil	2
Dleacht Stampála	2
Urghabháil Feithicle/Maoine	2
Cáin Chorparáide	1
Iomlán	94

TÁBLA 6(c) - An Roinn Talmhaíochta, Bia agus Mara - Gearáin a Fuarthas in 2016

Aoníocaíocht Feirme	31
Ilghnéitheach	30
An Scéim Phrémhe Foraoise	17
An Scéim um Roghanna Comhshaol Talmhaíochta	14
An Scéim um Chosaint na Timpeallachta Tuaithe	10
An Scéim um Limistéir faoi Mhíbhuntáiste	5
An Clár um Ghlacadh le Teicneolaíocht maidir le Caoirigh	5
An Scéim um Dhíothú Galar	4
Ceadúnú lascaireachta Mara agus Dobharshaothraithe	4
Scéim na hÍocaíochta Bunúsaí	3
An Scéim Forbartha/Feabhsúcháin Feirme	3
An Córas Aitheanta Dáileachtaí Talún	2
An Scéim Sláinteachas Déiríochta	1
Iomlán	129

TÁBLA 7 - Údaráis Áitiúla - Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngeará	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
Comhairle Contae Cheatharlach	6	0	0	1	0	3	1	0	5
Comhairle Chontae an Chabháin	9	0	0	0	2	3	3	1	9
Comhairle Contae an Chláir	24	5	1	3	3	3	12	1	28
Comhairle Cathrach Chorcaí	84	17	1	9	9	27	14	1	78
Comhairle Contae Chorcaí	49	9	1	11	5	12	20	1	59
Comhairle Contae Dhún na nGall	27	1	1	6	6	5	9	0	28
Comhairle Cathrach Bhaile Átha Cliath	82	10	2	9	13	22	20	0	76
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	25	2	1	2	3	8	4	4	24
Comhairle Contae Fhine Gall	44	6	0	8	4	10	13	0	41
Comhairle Cathrach na Gaillimhe	38	6	0	6	2	15	7	0	36
Comhairle Contae na Gaillimhe	35	6	0	2	3	7	11	1	30
Comhairle Contae Chiarraí	50	8	1	2	6	9	20	7	53
Comhairle Contae Chill Dara	29	4	1	6	7	6	7	0	31
Comhairle Contae Chill Chainnigh	12	2	1	2	1	3	2	2	13
Comhairle Chontae Laoise	12	0	0	0	2	2	8	1	13
Comhairle Contae Liatroma	2	0	0	0	0	1	1	0	2
Comhairle Cathrach agus Contae Luimnigh	56	15	0	14	8	18	8	2	65

TÁBLA 7 - Údaráis Áitiúla - Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngeará	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
Comhairle Contae an Longfoirt	5	0	0	2	0	3	0	2	7
Comhairle Contae Lú	20	4	0	1	3	2	9	0	19
Comhairle Contae Mhaigh Eo	15	0	0	4	3	6	7	0	20
Comhairle Chontae na Mí	28	2	1	3	6	10	8	1	31
Comhairle Contae Mhuineacháin Council	7	0	1	1	1	2	3	0	8
Comhairle Contae Uíbh Fhailí	11	3	0	2	2	2	3	2	14
Comhairle Chontae Ros Comáin Council	10	4	1	2	2	1	1	1	12
Comhairle Contae Shligigh	8	0	1	1	1	2	2	1	8
Comhairle Contae Átha Cliath Theas	36	6	0	3	3	11	10	1	34
Comhairle Contae Thiobraid Árann Council	21	4	0	1	3	4	5	0	17
Comhairle Cathrach agus Contae Phort Láirge	19	1	1	7	1	5	4	0	19
Comhairle Contae na hIarmhí Council	3	0	0	2	0	0	1	1	4
Comhairle Contae Loch Garman	24	2	0	2	2	8	6	1	21
Comhairle Contae Chill Mhantáin	28	4	2	2	4	6	16	2	36
Iomlán	819	121	17	114	105	216	235	33	841

TÁBLA 7(a) - Údarás Áitiúla - Gearáin a Fuarthas in 2016

Tithíocht		364
<i>Leithdháiltí agus Aistrithe</i>	165	
<i>Deisiúcháin</i>	91	
<i>Iompraíocht Fhrithshóisialta</i>	26	
<i>Saincheisteanna Ginearálta Tithíochta</i>	19	
<i>Iasachtaí agus Deontais</i>	18	
<i>Cíosanna</i>	16	
<i>Díolacháin</i>	11	
<i>Íocaíocht Cúnaimh Thithíochta)</i>	9	
<i>Measúnú Tithíochta</i>	5	
<i>An Scéim um Chúnamh Cíosa</i>	4	
Pleanáil		161
<i>Forfheidhmiú</i>	95	
<i>Riarachán</i>	66	
Bóithre/Trácht		74
Cónaí Príobháideach Neamhphríomha		50
Eile		46
Fíneálacha Tráchta/Páirceála		26
Páirceanna/Spásanna Oscailte		13
Truailliú		12
Mótarcháin agus Ceadúnais Tiomána		11
Séarachas agus Draenáil		11
Bainistíocht Eastáit		9
Cabhair Tithíochta do Dhaoine Scothaosta		8
Glacadh talún/ceart		6
Ionaid Adhlactha		6
Diúscairt Dramhaíola		5
Láithreáin Thréigthe		5
Seirbhísí Sláinte Chomhshaoil		5
Soláthar Uisce		4
Rátaí		3
Iomlán		819

TÁBLA 8 - An Earnáil Cúram Sláinte agus Cúraim Shóisialta - Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích								Iomlán
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnaimh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram		
Feidhmeannacht na Seirbhíse Sláinte										
Cárta Liachta agus Cárta Cuairte Liachleachtóra Ghinearálta	68	12	2	7	11	15	22	3	72	
Eile	34	3	0	7	4	7	5	15	41	
An Scéim Tacaíochta do Thithe Altranais	23	2	0	2	1	2	12	0	19	
An Cárta Breoiteachta Fadtéarmaí	12	4	0	0	0	1	2	0	7	
An tSeirbhís Otharcharranna	6	0	0	1	1	1	0	1	4	
An Scéim Íocaíochta Drugaí	3	0	0	1	0	0	2	0	3	
An tSeirbhís Sláinte Chomhshaoil	2	1	0	0	0	1	0	0	2	
Cúram Sláinte agus Cúram Sóisialta										
Ospidéal - Ginearálta	232	31	23	40	23	57	51	25	250	
Cúram Príomhúil agus Cúram Pobail	72	2	1	9	11	24	11	10	68	
Eile	25	2	0	0	4	7	3	6	22	
Seirbhísí do Dhaoine faoi Mhíchumas	24	4	0	3	5	4	2	3	21	
Ospidéal - Síciatrach	21	5	2	1	2	11	3	1	25	
Seirbhísí Oibre Sóisialta	9	3	0	0	3	2	2	0	10	
An Scéim Cóireála Thar Lear	6	0	0	0	2	4	2	0	8	
An Treoir maidir le Cúram Sláinte Trasteorann	6	2	0	2	0	1	1	0	6	
Tithe Altranais Príobháideacha	4	2	1	2	0	1	0	1	7	
Seirbhísí Fiaclóireachta	3	0	0	0	0	2	1	1	4	
TUSLA - An Ghníomhaireacht um Leanáí agus an Teaghlach										
	54	5	4	6	5	21	9	6	56	
Iomlán	604	78	33	81	72	161	128	72	625	

TÁBLA 9 - An Earnáil Oideachais - Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
Bord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath	2	2	0	0	0	0	0	1	3
Boird Oideachais agus Oiliúna Chorcaí	3	1	0	0	1	1	0	0	3
Ollscoil Chathair Bhaile Átha Cliath	2	0	0	1	0	1	2	1	5
Institiúid Teicneolaíochta Bhaile Átha Cliath	4	0	0	0	0	1	2	0	3
Bord Oideachais agus Oiliúna Dhún Laoghaire	1	0	0	0	1	0	0	0	1
Institiúid Ealaíne, Deartha agus Teicneolaíochta Dhún Laoghaire	2	0	0	0	0	1	1	0	2
Institiúid Teicneolaíochta Dhún Dealgan	1	0	1	1	0	0	0	0	2
Bord Oideachais agus Oiliúna na Gaillimhe-Ros Comáin	1	0	0	0	0	0	0	1	1
HEAR/ DARE	21	1	0	3	5	1	14	1	25
An tÚdarás um Ard-Oideachas	2	0	0	0	0	0	0	1	1
Institiúid Teicneolaíochta Cheatharlach	2	1	0	0	0	0	0	0	1
Institiúid Teicneolaíochta Shligigh	3	1	0	0	1	0	1	0	3
Institiúid Teicneolaíochta Thamhlachta	2	0	0	0	1	0	0	0	1
Institiúid Teicneolaíochta Thrá Lí	2	0	0	0	0	0	1	1	2
Bord Oideachais agus Oiliúna Luimnigh agus an Chláir	1	0	0	0	0	0	0	1	1
Institiúid Teicneolaíochta Luimnigh	4	0	0	0	1	1	0	0	2

TÁBLA 9 - An Earnáil Oideachais - Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
Bord Oideachais agus Oiliúna Lú agus na Mí	1	1	0	0	0	0	0	0	1
An Coláiste Náisiúnta Ealaíne is Deartha	1	0	0	0	1	0	0	0	1
Coláiste Náisiúnta na hÉireann	2	0	0	1	0	1	1	0	3
An Chomhairle Náisiúnta um Oideachas Speisialta	1	0	0	0	1	0	0	0	1
Ollscoil na hÉireann, Gaillimh	3	0	0	0	1	2	2	0	5
Ollscoil na hÉireann, Maigh Nuad	2	0	0	0	0	2	0	0	2
Dearbhú Cáilíochta agus Cáilíochtaí Éireann	2	0	0	0	0	1	0	0	1
Coláiste Ríoga na Máinleá in Éirinn	1	0	0	0	0	1	0	0	1
Coimisiún na Scrúduithe Stáit	57	21	6	2	4	1	25	2	61
Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI)	87	17	1	4	16	18	25	1	82
Coláiste na Tríonóide, Baile Átha Cliath	10	2	0	3	0	3	0	1	9
An Coláiste Ollscoile, Corcaigh	7	0	0	0	1	2	2	3	8
An Coláiste Ollscoile, Baile Átha Cliath	7	1	0	0	0	2	2	0	5
Ollscoil Luimnigh	11	0	0	2	1	2	1	0	6
Institiúid Teicneolaíochta Phort Láirge	2	0	0	1	0	0	1	0	2
Eile	0	1	1	0	0	0	2	0	4
Iomlán	247	49	9	18	35	41	82	14	248

TÁBLA 10 - Comhlachtaí Rialála

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnaimh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	lomlán
An Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí	2	0	0	1	0	0	2	0	3
CORU - An Chomhairle um Ghairmithe Sláinte agus Cúraim Shóisialaigh	4	1	0	0	0	1	1	1	4
An Chomhairle Fiaclóireachta (*FÁ)	1	0	0	0	0	0	0	1	1
An tÚdarás Sláinte agus Sábháilteachta (*FÁ)	2	0	0	0	1	1	0	0	2
An tÚdarás um Fhaisnéis agus Cáilíocht Sláinte (HIQA)	3	0	0	0	2	0	1	1	4
Iascach Intíre Éireann	1	0	0	0	0	0	2	0	2
Coimisiún na hÉireann um Chearta an Duine agus Comhionannas	1	0	0	1	0	0	0	0	1
Dlí-Chumann na hÉireann	8	1	0	0	1	2	1	2	7
Comhairle na nDochtúirí Leighis (*FÁ)	6	1	0	0	2	0	0	1	4
An tÚdarás um Chaighdeán Náisiúnta na hÉireann	1	1	0	0	0	0	0	0	1
An tÚdarás Náisiúnta Iompair	7	1	0	0	2	2	1	0	6
Bord Altranais agus Cnáimhseachais na hÉireann	5	1	0	2	1	0	2	0	6
An tÚdarás Póilíneachta	1	0	0	0	0	0	0	1	1
An tÚdarás Rialála Seirbhísí Maoine (*FÁ)	5	0	0	0	1	1	0	1	3
An tÚdarás um Shábháilteacht ar Bhóithre	30	3	0	3	6	9	10	1	32
Institiúid Ríoga Ailtirí na hÉireann	2	0	0	0	0	1	0	0	1
An tÚdarás um Chosaint Iascaigh Mhara	1	0	0	0	0	1	0	0	1
An Chomhairle Mhúinteoireachta	3	0	1	1	0	0	3	0	5
Iomlán	83	9	1	8	16	18	23	9	84

* FÁ - Ní thagann ach feidhmeanna áirithe de chuid na soláthraithe seo faoi dháil an Ombudsman

TÁBLA 11 - Soláthraithe Seirbhíse Poiblí Eile – Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnaimh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	lomlán
Bord Iascaigh Mhara	2	0	0	0	0	1	1	0	2
Caranua	15	2	0	2	0	5	4	0	13
An Bord um Fhaisnéis do Shaoránaigh	3	0	0	0	0	1	2	0	3
Bord Fiontar Contae an Chláir	1	0	0	0	1	0	0	0	1
Bord Fiontar Áitiúil Chathair Chorcaí	1	0	0	0	0	0	0	0	0
An tSeirbhís Chúirteanna (*FÁ)	9	1	0	1	0	0	0	6	8
An Bord Achomharc Míochaine um Thiománaithe Míchumasaithe	65	0	0	0	2	2	60	4	68
Seirbhís Fuilastriúcháin na hÉireann	2	0	0	0	0	0	1	1	2
Seirbhís Fuilastriúcháin na hÉireann	2	0	0	0	0	1	0	0	1
An Bord um Chúnaimh Dlíthiúil	18	3	0	3	2	3	5	2	18
An Bord Measúnaithe Díobhálacha Pearsanta (*FÁ)	1	0	0	0	0	0	0	1	1
Pobal	4	1	0	0	0	1	1	1	4
An Bord um Thionóntachtaí Cónaithe Príobháideacha (*FÁ)	21	2	0	1	3	0	3	12	21
SOLAS (ar ar tugadh FÁS roimhe seo)	5	0	0	1	2	2	0	0	5
Údarás Fuinnimh Inmharthana na hÉireann	6	1	0	1	1	0	0	1	4
Na Coimisinéirí um Achomhairc Chánach	2	0	0	1	0	0	0	0	1
Teagasc	2	0	0	0	1	0	0	0	1
Bonneagar Iompair Éireann	5	0	0	1	1	2	1	0	5
Oifig Fiontar Áitiúil na hIarmhí	1	1	0	0	0	0	0	0	1
Eile	0	0	0	0	0	0	2	0	2
lomlán	165	11	0	11	13	18	80	28	161

* FÁ - Ní thagann ach feidhmeanna áirithe de chuid na soláthraithe seo faoi dhlínse an Ombudsman

TÁBLA 12 - An tAcht um Míchumas – Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
Láimhseáil Gearán (alt 38 go halt 39)	3	1	0	2	0	0	1	0	4
Rochtain ar Sheirbhísí (alt 26)	2	0	0	0	0	1	1	0	2
Iomlán	5	1	0	2	0	1	2	0	6

TÁBLA 13 - Tithe Altranais Príobháideacha – Gearáin a Fuarthas agus a Cuireadh i gCrích in 2016

	Gearáin a Fuarthas	Gearáin a Cuireadh i gCrích							
		Seasadh leis an ngearán	Seasadh go páirteach leis an ngearán	Tugadh cúnamh maidir leis an ngearán	Scoireadh den ghearán/ Tarraingíodh siar é	Scoireadh den ghearán roimh am	Níor seasadh leis an ngearán	Bhí an gearán lasmuigh dár sainchúram	Iomlán
Cúram agus Cóireáil	13	0	0	1	2	6	0	1	10
Láimhseáil Gearán	4	0	1	0	1	1	1	0	4
Táillí Tithe Altranais	1	0	0	0	0	1	0	0	1
Eile	12	2	0	0	4	0	1	3	10
Iomlán	30	2	1	1	7	8	2	4	25

